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BY
F. M. GOADBY, Esq., D.C.L.

> Let observation, with extensive view,
> Survey mankind from China to Peru.
> SAMUEL JOHNSON.

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(*a*) Contributors to the Journal of the Society during the year 1933: Sir Maurice S. Amos, K.B.E., K.C.; S. H. Bailey, Esq.; C. E. A. Bedwell, Esq.; Norman Bentwich, O.B.E., M.C.; Cecil T. Carr, Esq., LL.D.; Professor Marshall E. Dimock, Ph.D.; S. Vesey FitzGerald, Esq.; A. L. Gardiner, Esq.; F. M. Goadby, Esq., D.C.L.; H. G. Hanbury, Esq.; F. J. C. Hearnshaw, Esq.; R. H. Hodgkin, Esq.; Gerald Hogan, Esq.; Henning Holm-Nielsen, Esq.; Hector Hughes, Esq., K.C.; V. R. Idelson, Esq.; Gordon Ireland, Esq., M.A., LL.B.; Edward Jenks, Esq., D.C.L.; Professor A. Berriedale Keith, D.C.L.; S. G. Kermack, Esq.; William Latey, Esq.; Me. Pierre Lepaulle; Albert Lieck, Esq.; Me. M. I. Mesritz; Stephen Mills, Esq., C.M.G.; Leonard Le Marchant Minty, Esq., Ph.D., LL.B.; C. Clifton Roberts, Esq.; Dr. Richard Rosendorff; Professor Joseph S. Roucek; Professor H. A. Smith; W. T. S. Stallybrass, Esq., D.C.L.; F. P. Walton, Esq., LL.D.; George Webber, Esq.; Leonard C. Wharton, Esq.

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ANNUAL REPORT.

During the year under report the Committee were reluctantly obliged to accept the resignation of Lord Atkin as Chairman of the Society after having wisely guided the conduct of its affairs for the last five years. The Committee were fortunate to obtain Lord Macmillan as his successor in the Chair, and to him the Committee extend a cordial welcome.

The Committee regret to record the loss which the Council and membership of the Society have sustained through the death of Sir Alexander Wood Renton, whose extensive work in the realm of comparative law was so justly valued.

The Index to the laws in force in the Dominions, though not yet completed, has made good progress during the past year. The Index to the Statute Law of the Crown Colonies, of which the completion was recorded in the last Annual Report, has already been consulted and proved a ready means of reference to the law in force on any given subject.

The Committee desire to express their thanks and sense of obligation to all those who have kindly contributed to the pages of the Journal during the past year. They cordially invite their members and others, especially those who are resident in the Dominions, to submit to the Hon. Editor for publication in the Journal such articles and notes as they may deem to be of interest to students of comparative law.

The accounts of the Society for the year 1933 show that the effects of the economic situation still affect the finances of the Society with a resultant decrease in its income. In former years a loss in membership has been counterbalanced by the accession of new members, but during the year under review the number of resignations was more than double the number of new members. Among the losses it may be noted that fifteen are due to withdrawals by Dominion and Colonial Government Departments. Another item affecting the income was the reduction in the interest on the Society's investment due to the conversion of the War Loan.

The amount of £51 realized by the sale of back numbers of the Journal, though showing an increase of £34 on the previous year, is still below the average of recent years. This is due to lack of supply more than to lack of demand, and the Committee would be grateful if members having unwanted parts of the Journal would communicate with the Hon. Secretaries.

On the other side of the account, the full benefit of the reduction in the cost of printing, which began to operate in May 1932, has been felt with a resultant decrease of £25 under that heading. Taking into consideration the expenditure on the purchase of a typewriter, and of a supply of paper which did not occur in the previous year, the expenses of the Society do not compare unfavourably with those of 1932, and are considerably less than in former years.

The Committee desire to place on record their appreciation of the continued support accorded by the four Inns of Court, the Law Society, the Inn of Court of Northern Ireland, the Canadian Bar Association and the Governments of Fiji and Grenada.

The resources of the Society have been able to withstand the slight deficit due to the reduction in its membership during the last two years. Moreover, if advantage be taken of the signs of returning prosperity, the Society may hope to regain the former scope of its membership and even to extend it. To achieve this end the Committee would be grateful if all those who are interested in the work of the Society would use their influence to enlarge the roll of membership.

MACMILLAN, *Chairman.*

SOCIETY OF COMPARATIVE LEGISLATION.

RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED DECEMBER 31, 1933.

Dr.

	£	s.	d.	£	s.	d.
To Subscriptions:						
Government	163	16	0			
General	390	11	1	554	7	1
,, Grants:						
Law Society	21	0	0			
Lincoln's Inn	21	0	0			
Middle Temple	21	0	0			
Inner Temple	21	0	0			
Gray's Inn	21	0	0			
Canadian Bar Association	12	2	2			
Northern Ireland Inn of Court	5	5	0			
Government of Fiji	5	0	0			
Government of Grenada	2	2	0	129	9	2
,, Sale of *Journals*	61	3	2			
Less Cost of Reprints and Back Numbers	9	18	6	51	4	8
,, Proceeds of Advertisements				13	13	0
,, Sale of *Great Jurists of the World*				4	15	5
,, Interest on £400 War Loan				10	10	0
				763	19	4
,, Cash at January 1, 1933:						
In hand	6	18	3			
At bank	233	12	9	240	11	0
,, Subscriptions in arrear paid in 1933				14	14	0
,, Subscriptions in advance paid in 1933				47	7	1
				£1,066	11	5

Cr.

	£	s.	d.	£	s	d.
By Publication of *Journal*:						
Printing vol. xiv, pt. 4	134	11	0			
Printing vol. xv, pt. 1	136	18	7			
Printing vol. xv, pt. 2	112	6	0			
Printing vol. xv, pt. 3	101	18	0			
	485	13	7			
Add Cost of Paper	39	11	8	525	5	3
,, Salary of Secretary				250	0	0
,, Rent of Chambers	100	0	0			
Less Rent received	40	0	0	60	0	0
,, Lighting, Heating and Cleaning of Chambers				22	7	4
,, General Expenses, including Postage and Insurance				18	17	1
,, Telephone				8	9	11
,, Stationery				3	12	0
,, Audit of Accounts				3	3	0
,, Purchase of Typewriter	7	10	0			
Less Proceeds of sale of old Typewriter	1	10	0	6	0	0
				897	14	7
,, Cash at December 31, 1933:						
In hand	1	4	6			
At bank	167	12	4	168	16	10
				£1,066	11	5

We have examined the above Receipts and Payments Account with the Books and Vouchers, and certify that it agrees therewith. We have verified the Bank Balance and also the investment of £400 3½% War Bonds.

LONDON: 48, Copthall Avenue, E.C.2.
February 21, 1934.

CASH, STONE & CO.
Chartered Accountants.

INTRODUCTION.

[*Contributed by* F. M. Goadby, Esq., D.C.L.]

The true import of the items of the multifarious legislation of the British Empire to which our learned contributors draw our attention requires for its exposition an encyclopædic knowledge of local conditions to which the Editor of this Journal can unhappily make no claim. The Index provides readers with a summary statement of the subjects dealt with, and the purpose of the Introduction is limited to noting a few of the most remarkable legislative developments.

A stranger from another planet reading our Summaries would certainly be led to infer great uniformity of social conditions through the area to which they refer. The same problems appear to arise in many territories, and they are met by similar solutions. No doubt this is in part due to the fact that legislation is concerned mainly with new developments, and leaves largely untouched the basic social structures. Conditions of life, domestic habits and ways of thought differ enormously in the villages of England, India, New Guinea and British Guiana, for example, but these have been the result of climatic and historical circumstances, and are only lightly touched by legislation. It is with the general organization of Government, taxation, social services and social betterment, the administration of justice, organization of trade and transport, international relations, and the like, that legislation is mainly concerned. The apparent uniformity is misleading.

Another circumstance which makes for uniformity in legislation throughout the area with which we are concerned is the constant influence exercised by London, indirectly in the case of the Dominions, and more directly in that of the Crown Colonies and Mandated areas. In the legal world at any rate the intellectual tradition of Great Britain is of the first account.

In this Introduction we shall commence by pointing out a few of the more noteworthy legislative Acts of 1932, and more particularly those which illustrate the tendencies of legal regulation at the present day.

In the sphere of Government, the principal Statutes to be noted are the Statute of Westminster (p. 2) and the Malta Constitution Act (p. 3) which has followed upon the unhappy difficulties in that island. Both of these have been fully annotated in the Journal.[1] The history of the President of the Board of Trade Act (p. 4) illustrates the fictional character of the maxim that everyone is presumed to know the law. All His Majesty's subjects are not, however, so fortunate as to have a law passed to enable them to escape the consequences of a very excusable ignorance.

The New Zealand Parliament imitated the action of the Imperial

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[1] *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. i, p. 101; pt. iv, p. 274.

Parliament during the war,[1] and extended its own life from three to four years (p. 107). The convenience of doing so in a Finance Act is not apparent. Western Australia made provision for a consultative referendum on the question of secession of the State from the Commonwealth (p. 100).

An Act which is somewhat suggestive is the Members of Parliament Doubts Removal Act of Tasmania (p. 81), which removes doubts as to whether the acceptance of loans from the State under the Unemployed Relief Act would or would not incapacitate for sitting as members in the House of Assembly.

It would be tedious to attempt to note all the enactments which reflect the prevailing depression. In very many parts of the Empire levies upon official salaries have been made, as our Index shows. The purist for judicial salaries will note with regret that the St. Vincent Ordinance expressly mentions the Chief Justice among the victims (p. 173).

Many different territories found it necessary, or, at least, desirable, to reduce salaries and pensions. Rent Reduction and Rent Restriction Acts are to be noted in Northern Ireland (p. 20), Australia (p. 78), New Zealand (p. 108) and elsewhere. The Married Women (Lecturers and Teachers) Act of New South Wales is clearly an effort towards distributing employment on what is thought a more equitable basis. It brings to an end the employment of married women teachers and lecturers in the Department of Public Instruction as from a day to be appointed. Exceptional cases are to be met by certificates from the Public Service Board (pp. 70–71).

The Mortgagors and Purchasers Relief Act of Ontario (p. 45), among other enactments, testifies to the severity of the economic troubles in Canada. Our correspondent notes in this connexion the manner in which the provisions of the British North America Act, 1867, distribute as between the Dominion and Provincial legislatures the power to give economic relief. The amendment of the Ontario Marriage Act (p. 46), in the sense of making the consent of the parents to the marriage of minors a matter of form rather than of substance, is due also to the manner in which legislative power as to marriage is distributed between the authorities.

Much colonial legislation is concerned with subjects which are now engaging or are likely to engage the attention of the Imperial Parliament. Betting and lotteries, for example, demand much legislative regulations.

Opponents of the present proposals of the British Government would presumably approve the temporary Act of Western Australia (p. 101), which permits lotteries to be carried on by a statutory Commission or by the permission of the Commission. Grenada has also enacted the Public Lotteries Ordinance, following an Ordinance of British Guiana (p. 171). Though lotteries in general are prohibited, powers are reserved to the Governor in Council to exempt certain lotteries from the prohibition. Newfoundland (p. 55) substitutes a Lotteries Licensing Board for the stipendiaries as the authority for granting licences for the holding of lotteries.

Tasmania (p. 81) legalizes betting on racecourses during race-meetings and also in buildings approved by the Commissioner of Police, and provides for the registration of bookmakers. Ceylon (p. 141) authorizes the levy of a tax on taxable bets which are defined as bets on a race-course at a totalizator on the registered racecourse. New South Wales (p. 67) substitutes a tax of 1 per cent. on the total amount of bets made by backers with any bookmaker for the previous winning bets tax, and Victoria (p. 86) imposes a tax on all bets made through a bookmaker.

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[1] 5 & 6 Geo. 5, c. 100, s. 1; 7 & 8 Geo. 5, c. 50, s. 1.

From Victoria also comes a False Advertisements Act (p. 90), under which any person who publishes any statement intended, *inter alia*, to promote the sale of property is to be punishable if the statement is to the knowledge of the person publishing false in any material particular. A presumption of the knowledge of the falsity of such a statement so published is created, but is rebuttable on specified grounds. Corporations are liable just as though they were private persons. A certain tolerance is usually shown towards the puffs of advertisers, and an incredulous public discounts of itself the more extravagant of their claims. It seems that in Victoria the authorities are determined to make them strictly responsible for their allegations.

Much legislation has been enacted with reference to motor-cars. British Columbia (p. 35) has amended its provisions as to insurance and has sought to deal drastically with dangers on the roads by requiring suspension of the driver's licence if the licensee fails to satisfy a judgment against him for damages or is convicted of driving to the common danger. Similar legislation has been enacted in New Brunswick (p. 41). In Quebec (p. 50) the Minister of Roads is authorized to place signs at a crossing which make it obligatory for all drivers to bring their motors to a momentary stop. In South Australia (p. 79) it is *prima facie* evidence of excessive speed that the defendant drove in a municipality, town or township at a greater speed than 25 miles per hour, or outside these limits at 40 miles per hour.

In a very different field note may be taken of the comprehensive Supreme Court Civil Procedure Act of Tasmania (p. 82). Our learned contributor draws particular attention to the provisions contained in Part VI, relative to proceedings by and against the Crown. The special privileges and peculiar remedies of the Crown are, he informs us, almost entirely swept away, and actions by and against the Crown are placed in the same position, so far as possible, as actions between subject and subject. In this connexion we note also the enactment of an Ordinance in Southern Rhodesia (p. 128) which makes cognizable by the courts claims arising out of any wrong committed by a servant of the Crown acting in his capacity and within the scope of his authority as such servant.

South Africa has by Statute (p. 114) recognized the immunities of diplomatic agents and their staffs, and as a consequence of the Statute of Westminster we find detailed provision made for the maintenance of discipline in the defence forces of the Union and armed forces from other parts of the Empire present in Union territory.

Passing on to legislation which is more definitely the expression of special local conditions, we remark in the Straits Settlements the enactment of a Female Domestic Service Ordinance (p. 149) which follows in principle the Hong Kong enactments,[1] and aims at the early extinction of the Mui-tsai custom.

The Native Lands Trust (Amending) Ordinance of Kenya (p. 163) recalls recent controversy as to mining in the native reserves. The amending Ordinance seeks to reconcile native rights with the grant of mining facilities by giving power to vary the nature of the compensation when land is temporarily excluded from a native reserve in connexion with a mining lease.

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[1] *Journ. Comp. Leg.*, Third Series, vol. vii, pt. iii, p. 161; vol. xiii, pt. iii, p. 131.

Modern schemes for agricultural organization are represented by the creation of a Coffee Board and a Coffee Levy Fund under its control for the promotion of the coffee industry (p. 163). The Protection of Ancient Monuments has been furthered by an amending Ordinance (p. 161), a provision of special importance in view of the increase and interest of archæological activity in Kenya.

Palestine seeks to check the frequent land disputes by conferring upon the District Commissioners power to make orders for possession whenever the dispute is likely to cause a breach of the peace (p. 182). The District Commissioner appears to be placed in a position resembling that of a Roman prætor granting an interdict.

The very full summary of legislation with which we have been favoured from 'Iraq (p. 183), gives us a measure of the legislative activity of that country. As in Palestine, steps are being taken to provide for land settlement, which is to proceed gradually, and various enactments seek to regulate the complicated land system which law and custom have established in the Territory. Agricultural interests have prompted regulations for controlling the importation of diseased fruits and cuttings, and the establishment of a Date Research Board. Our learned correspondent reports the decisions of the Special Bench convened for the interpretation of ambiguities in the text of the laws. The spread of Western industrial methods is indicated by the drastic legislation as to strikes.

The tendency in favour of uniformity of law, and more particularly of uniformity with the law of the United Kingdom, is manifested in many directions. The Indian Partnership Act (p. 133) follows the English law already in part incorporated in the law of India by s. 7 of the Indian Contract Act and the effect of the Indian decisions. The Imperial Bills of Exchange Act (1882) Amendment Act, 1932, as to bankers' drafts was followed by similar legislation in the Commonwealth of Australia (p. 61) and in British Guiana (p. 170). Saskatchewan (p. 52) has regulated the law as to limitation of actions by adopting the uniform Limitation of Actions Act prepared by the Commission of Uniformity of Legislation in Canada.

Cyprus, since the change of status which followed the war, has moved freely towards the assimilation of her law with that of England. A Criminal Code based on English ideas was applied by Order in Council in 1928. In 1930 [1] we reported replacement of the Ottoman (French) law of bills of exchange by provisions based on the Imperial Bills of Exchange Act, and in 1932 [2] the substitution for the existing bankruptcy legislation of a body of law based on the English Bankruptcy Acts, as also the enactment of a Contract Law on English and Indian lines in place of the relevant chapters of the Ottoman Civil Code. This year we note the provision of a Code of Civil Wrongs (p. 178), which substantially follows English principles, subject to certain deviations therefrom noted by our learned contributor. The inadequacy of the Civil Law of Wrongs provided by the older (Islamic-Turkish) law is well known to all lawyers in touch with the Middle East. The provision of a more complete body of remedies of this nature is not perhaps unlikely to provoke more litigation in these somewhat over-litigious territories.

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[1] *Journ. Comp. Leg.*, Third Series, vol. xii, pt. iii, p. 203.

[2] *Ibid.*, vol. xiv, pt. iii, pp. 172–173.

While dealing with the Law of Civil Wrongs, reference may be made to the Victorian Act which, *inter alia*, permits damages to be given for injury arising wholly or partly from mental or nervous shock. Our learned contributor points out that this in effect is a legislative overruling of the well-known decision in *Victorian Railways Commissioners* v. *Coultas* (p. 89).

Cyprus furnishes us with another example of the penetrating character of English law by the enactment of legislation for the Protection of Public Officers (p. 181), which follows the lines of the legislation in force in the United Kingdom.

In Palestine a new Official Secrets Ordinance (p. 182) reproduces in its main features the English Acts of 1911 and 1920.

Canada has legalized marriage with a deceased wife's sister or niece, and with a deceased husband's brother or nephew (p. 30). The Imperial Marriage (Prohibited Degrees of Relationship) Acts, 1907, 1921, though relevant for purposes of comparison, are not identical in scope.

In Western Australia, also, marriage with a deceased wife's niece or a deceased husband's nephew is made valid, and that retrospectively (p. 100).

British Guiana has now adopted the principles of the Legitimacy Act, 1926, without the much controverted prohibition of the legitimation of adulterine bastards (p. 168). In the Federated Malay States, also, legitimation by subsequent marriage is now recognized in the case of Christian marriage at least [1] (p. 151). And we have also from the same territory an enactment (p. 150) abrogating the previous odd rule that succession to immoveables was regulated by the law of the domicil of the *de cujis*.

Barbados brings the local law as to wills into line with the law obtaining in England on the passing of the Wills Act, 1837 (p. 171), and permits bodies corporate to hold property in joint tenancy (p. 171). Trinidad and Tobago adopt the provisions of s. 51 of the Supreme Court of Judicature Consolidation Act, 1925, restricting the institution of vexatious legal proceedings (p. 174).

English ideas have also been incorporated in the Ordinance of Kenya declaring agreements in restraint of trade to be lawful and reasonable (p. 162). From the same Colony we have an Ordinance as to moneylenders (p. 162) upon English lines, and legislation to the same effect is reported from Trinidad and Tobago (p. 176). Fiji has adopted the Sale of Goods Act, 1893, in place of the English law as at January 1, 1875, which was previously in force (p. 112). Juvenile courts and probation orders are also now introduced into the island (p. 113).

An Ordinance of Sierra Leone adopts the principles of English Conveyancing Acts, the English law as to trusts and trustees, and as to married women's property (p. 159). By another Ordinance from the same Colony, most of the provisions of the Perjury Act, 1911, Forgery Act, 1913, and the Larceny Act are made applicable therein. In the realm of Criminal Procedure, also, amendments made by recent imperial statutes in Great Britain have been introduced. Trinidad (p. 174) and British Guiana (p. 169) have also now accepted the principle of the Sentence of Death (Expectant Mothers) Act, 1931, and the latter Colony abolishes the presumption of law of coercion of a wife by her husband. Accused persons are now allowed to give evidence on their own behalf in British North Borneo (p. 152), aliens are permitted to hold and dispose of property in Gambia (p. 154), trade unions are no longer to be considered unlawful in Cyprus, Nyasaland, Seychelles and Tanganyika (pp. 177, 165, 153, 166) and the penalty of the stocks is abolished or, at least, restricted in Nigeria (p. 156).

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[1] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. iii, pp. 107, 115, 167, 169, for earlier adoptions of the principle.

Certain recorded enactments were rendered necessary by judicial decisions which revealed an unsatisfactory condition of the law. Three examples are furnished by the United Kingdom, namely, the Chancel Repairs Act (p. 10), the Law of Property (Entailed Interests) Act (p. 13) and the Sunday Entertainments Act (p. 15). The Public Suits Validation Act of the Indian legislature (p. 134) is a consequence of the decision in *Gutzari Lal* v. *Collector of Etah.*[1]

It has been customary in these Introductions to draw attention to the ratification of International Conventions and the provision of the necessary resulting legislation. The Dangerous Drugs Act, 1932, of the United Kingdom (p. 5) and a similar Act of Northern Ireland (p. 23) made effective the Convention of 1931 as to dangerous drugs, and legislation to a similar effect is reported from Barbados (p. 171), Cyprus (p. 179), Kenya (p. 162), Trinidad (p. 175) and Seychelles (p. 154). Nyasaland passed an Ordinance giving effect to the Convention of 1925 (p. 164).

Kenya (p. 162), Sierra Leone (p. 159) and Zanzibar (p. 167) enacted Ordinances to give effect to the Compulsory Labour Convention of 1930, and Cyprus (p. 178), Gibraltar (p. 177), Nigeria (p. 156), Zanzibar (p. 167) and Seychelles (p. 153) have, in whole or in part, applied the provisions of the Conventions as to minimum wages, prohibition of night work of young persons and employment of children in industrial undertakings.

The Convention of 1927 as to Foreign Arbitral Awards is the cause of Ordinances in Gold Coast (p. 154), Ashanti (p. 155), Gibraltar (p. 176), Bahamas (p. 171) and St.Vincent (p. 173).

[1] (1931) 61 M.L., J.R. 402; 35 C.W.N., 699.

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* CECIL T. CARR, ESQ., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders*, etc.]

IN the session 22 & 23 Geo. V (November 3, 1931, to November 17, 1932) there are 55 Public General Acts. Largely because they incorporate two Merchant Shipping Conventions and the Ottawa trade agreements, they occupy 1062 pages—nearly three times the number required by the Acts of the previous session. The National Government is in power with a huge majority. The reversion from free trade to protection sets new legislative problems and produces a notable devolution of the power to tax. Following perhaps the precedent of s. 2 (2) of the Emergency Powers Act, 1920, a new safeguard for Parliamentary control over delegated legislation is freely used—namely a statutory condition that the departmental orders, though they take effect forthwith, shall lapse after twenty-eight days unless continued by an affirmative resolution of Parliament. During the session under review the Donoughmore Committee on Ministers' Powers produced its important report. Approximately two-thirds of the 55 Acts of the session confer or continue a power to make rules, regulations, orders or other subordinate legislation. The last paragraph of this summary will deal, as usual, with the Statutory Rules and Orders of the year.

Form and Improvement of the Statute-book.—The Solicitors Act (c. 37) repeals and replaces sixteen whole Acts and parts of others. A faithful consolidation, it even reproduces the odd concession whereby a law student, ploughed in his examination, can appeal to the Master of the Rolls on the ground that the questions were too hard. The Committee in charge of the consolidation Bill refused, however, to reproduce that freakish section of the Frivolous Arrests Act, 1725, which enables a court to pass summary sentence of seven years' penal servitude on anyone who acts as a solicitor after a conviction for forgery or common barretry; this was declared " quite obsolete " and was left to be got rid of by statute law revision some day. One minor problem was the treatment of references to the extinct species of certificated conveyancers, special pleaders and equity draftsmen. The Colonial Solicitors Act, 1900, is brought into the consolidation as respects England only.

The Town and Country Planning Act (c. 48), repealing and re-enacting earlier provisions, leaves the reader wondering which bits are new and which are old. A similar confusion was avoided during discussions on the Patents and Designs Act (c. 32) by circulating a White Paper which showed the old law and the new in different types. Lord Bertie of Thame moved the rejection of the Children and Young Persons Bill because it was "legislation by reference." The Bill did indeed propose to change the law by specific amendment of named enactments ; but is not this the cleanest form of amending legislation ?[1] Throughout the session Lord Bertie fought hard for uniformity of grammar in such points as the use of singular or plural after a noun of multitude.

Several subjects of law relating to Northern Ireland are ripe for consolidation but have remained untouched because the law is partly in Acts of the United Kingdom and contains some element of "reserved matter." This obstacle is neatly removed by s. 3 of the Northern Ireland (Miscellaneous Provisions) Act, 1932 (c. 11), enabling the Belfast Parliament to repeal and re-enact United Kingdom laws in the course of consolidating any branch of the statute law "the general subject-matter of which is within the powers of the Parliament of Northern Ireland."

Reprinting clauses occur in three Acts—cc. 22, 32 and 43. These provide for *de facto* consolidation ; the principal enactment is reprinted with the subsequent amendments inserted in their places. In one case the clause is permissive, in the other two it is compulsory. Such clauses may be examined to see whether any official is made responsible for the accurate preparation of the reprint and whether the cumulative result receives a short title distinguishing it from the original principal enactment.

The Expiring Laws Act (c. 2) takes the usual triennial opportunity to make permanent some of the temporary laws which have emerged from the stage of hesitation or experiment. The annual continuance (c. 22) of the Army Act and Air Force Act includes not only a fasciculus of amendments to adapt their language to changes in the status of the Dominions and Northern Ireland, but also an entirely admirable set of "drafting amendments designed to improve the wording . . . by removing anachronisms and inconsistencies of language." The Army Act is one of the statutes whereof the text is brought up to date by means of a reprinting clause : this method is a dubious substitute for true consolidation.

Imperial and Constitutional.—Professor Berriedale Keith has already expounded in our Journal[2] the Statute of Westminster (c. 4), a landmark in the mutual relations of the members of the British Commonwealth of Nations. It gives effect to resolutions passed by Imperial Conferences held in 1926 and 1930, the latter Conference having approved the report of a Committee which had examined the operation of Dominion legislation in the light of the altered status of the self-governing Dominions. The new Statute of Westminster (to be distinguished from similarly named statutes of the thirteenth century) recognizes in its important preamble that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth and inasmuch as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members in relation to one another that any alteration in the law touching the Succession to the

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[1] It complicates the conscientious legislator's task by referring him to earlier statutes instead of giving him a self-contained document. But the label of "legislation by reference" is more appropriate, perhaps, when previous Acts passed for purpose A are applied in a new Act passed for purpose B ; Lord Thring cited 32 & 33 Vict. c. 113, s. 6, as a precedent to be avoided. The practice may be inevitable in emergency : *see* 19 & 20 Geo. V, c. 25, s. 26(4).

[2] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. 1, p. 101.

Throne or the Royal Style and Titles should hereafter require the assent as well of the Parliaments of all the Dominions as of the United Kingdom Parliament. The Colonial Laws Validity Act, 1865, with its train of arguments over the consequences of repugnancy, is excluded by both positive and negative declarations. It is clearly stated that a Dominion Parliament has full power to make laws having extra-territorial operation. Invariable constitutional practice is translated into express statutory authority by a statement that Westminster legislation will in future not extend to a Dominion as part of that Dominion's law, unless it contains a declaration that the Dominion requested and consented to the enactment thereof. There are special provisions for merchant shipping matters and oversea Courts of Admiralty. "Dominion" is defined as meaning the six self-governing Dominions, and the word "colony," by an overdue reform, ceases to apply to such Dominions, notwithstanding s. 18(3) of the Interpretation Act. The rest of the Statute of Westminster tends to minimize the general principles which it enunciates. There are savings for the British North America Acts and the Constitution Acts of Australia and New Zealand. The special limitations on constitutional amendment in Canada and Australia (including the legislation of the Provinces of Canada and the States of Australia) have their safeguards. Lastly, while the exclusion of the word "colony" applies to all the self-governing Dominions forthwith, the three Dominions of Australia, New Zealand and Newfoundland stand out of the main changes introduced by the Statute of Westminster until their legislatures decide to adopt any or all of them.

The trade agreements reached by the Imperial Economic Conference at Ottawa (another sequel to the Imperial Conference of 1930) received statutory confirmation to be mentioned later under the heading of Tariffs and Finance.

The Malta Constitution Act (c. 43) gives effect to the Askwith report. It amends the Letters Patent on which the constitution of Malta is based, but it expressly excludes any implication that this intervention by the Parliament at Westminster means a diminution of the power of the Crown to legislate directly under the Royal Prerogative. The appointment, tenure and qualification of judges in Malta are declared to be reserved matters. Provision is made for these, for the constitution of the Trade Union Council, for voters disqualified by criminal conviction and for the control of the police. There is a complicated clause for the reprinting of the principal Letters Patent with specified amendments; the text of the reprint is to be certified correct by the Secretary of State.

A happy agreement with the Irish Free State, settling the registration and control of veterinary surgeons, is confirmed by an Act (c. 10) of His Majesty's Parliament of the United Kingdom; it had already been confirmed by the Parliament at Dublin. The controversy over the land annuities involved a different kind of legislation. Under past Irish Land Acts, now ancient history, tenants in Ireland obtained the right to purchase their land and pay for it by annuities spread over a term of years; the United Kingdom Government issued and guaranteed Irish Land Stock to buy out the landlords. On the creation of an independent government at Dublin, its President undertook responsibility for collecting the tenants' annuities and for paying them over in full. The undertaking was honoured until a recent change of political direction led to its repudiation. As a rejoinder the Irish Free State (Special Duties) Act (c. 30) seeks to recoup the additional charge thrown on the taxpayer of the United Kingdom by reason of the failure of the Dublin Government " to implement their obligations."

One instance has already been cited of the increased legislative powers given to the Belfast Parliament by the Northern Ireland (Miscellaneous Provisions) Act (c. 11). Other extensions concern priorities given to Crown debts in bankruptcy, herring fishery regulation, and the making of reciprocal arrangements between Northern Ireland and other parts of His Majesty's dominions with regard to contributory pensions. The Act still leaves the Supreme Court a " reserved matter," but reservation is no longer to preclude the Belfast Parliament from enacting provisions conferring jurisdiction on the Supreme Court, the High Court or a court of assize where the general subject of the enactment is *intra vires* that Parliament. There is also a fresh enlargement of legislative power as to foreshores, works under the sea and ferries across tidal waters in Northern Ireland ; this is in substitution for a similar provision in the similar Act of 1928.

Under constitutional law we may include the President of the Board of Trade Act (c. 21), the latest in the series flowing from that now tiresome Act of Anne whereby the holder of " any new office or place of profit under the Crown " has been disqualified for election to Parliament. Until 1826 the President had no salary and therefore no place of profit. In 1826 a statute conferred on him a salary and was careful to include a proviso that his post should not be deemed a " new office " on that account. In 1909 another statute, in the course of increasing his salary, repealed the Act of 1826 without saving or reproducing the proviso. Thus the ten holders of the office since 1909 had exposed themselves to a common informer's actions for penalties of £500 for every time they had sat or voted in Parliament. It was now necessary to indemnify them from liabilities running into astronomical figures and to make the position of future Presidents secure. The mistake was discovered by an author engaged in revising a well-known legal work. The incident emphasizes afresh the urgent need of rewriting the law of Parliamentary disqualification in clear and simple form.

International Conventions.—Where countries feel the need of agreeing upon certain common rules of convenience or public safety (as in merchant shipping or air navigation or the suppression of drug traffic), international conventions dictate the terms of domestic legislation. Parliament, in honouring its representatives' signatures, must adopt all or nothing ; concessions may be required as the price of unanimity. Thus, in the course of giving effect to the Merchant Shipping (Safety and Load Line Conventions) Act (c. 9), Parliament has had to compel British sailors to abandon their immemorial method of giving helm orders. Henceforth nobody is to give a steering order containing the word " starboard " unless he intends the head of the vessel to move to the right, nor one containing the word " port " unless he means the head of the vessel to move to the left. This enactment was necessary to implement the London Convention of 1929 for the Safety of Life at Sea. The First Part of the Act covers also ship construction and surveys, life-saving appliances, wireless telegraphy, safety certificates, watertight doors, reports of navigational dangers, prescribed signals of distress and urgency, rendering assistance on receipt of wireless calls, signalling lamps, rules for carriage of dangerous goods and the duty of careful navigation near ice. The

Board of Trade is to contribute towards a service for watching ice and destroying derelicts in the North Atlantic. Owners of passenger steamer lines crossing the North Atlantic by regular routes must give public notice of the routes to be followed and of any changes. The Second Part of the Act gives effect to the Load Line Convention signed in London in 1930. The Act is over two hundred pages long, the two Conventions being scheduled to it in full. The earlier Convention Act of 1914, postponed year after year by Orders in Council, is now repealed without having ever come into force. Sir Arthur Thring's great Merchant Shipping Act of 1894 and the amending Act of 1906 are considerably modified, but the new law remains to be elaborated largely by regulations made by the Board of Trade.

The Carriage by Air Act (c. 36) gives legislative force to a Warsaw Convention of 1929 which applies to all international carriage of persons, luggage or goods by air. If the State concerned consents, it can be applied to State air transport undertakings. It unifies the practice relating to passenger and luggage tickets and consignment notes; it regulates the rights and duties of carrier, consignor and consignee. In particular it specifies the carrier's liability for the death or injury of passengers, for loss or damage of goods or luggage, and for delay. Broadly, unless he proves that he was not at fault, he will be liable for all such loss or damage within money limits contained in Art. 22, expressed in francs of a specified gold value, which "shall, for the purposes of any action against a carrier, be converted into sterling at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the court." The Act gives power to apply these international rules by Order in Council to non-international air transport and to British possessions outside the United Kingdom. A second schedule to the Act establishes a uniform code for the United Kingdom for enforcing the carrier's liability for the death of a passenger; this code is substituted for any liability under statute or at common law in this respect.

A third Convention, signed at Geneva in 1931, led to the passing of the Dangerous Drugs Act (c. 15). There is now a new list of the dangerous drugs to which Part III of the Act of 1920 applies, *i.e.* the preparations of cocaine, morphine, etc., falling within the restrictions on import, export, manufacture, sale and distribution. Prospective new derivatives of opium or the coca leaf are brought within the ban on trade and manufacture; but, if the new product is found to be of medical or scientific value, this restriction may be relaxed by Order in Council. The question whether the new drug is a drug of addiction or not can be referred to the League of Nations; action can be taken upon the League's decision. Part III of the 1920 Act can also be extended (with modifications as specified) to methylmorphine and ethylmorphine, otherwise known as codeine and dionin. There has apparently been no express authority to revoke or vary Orders in Council under the Dangerous Drugs Acts by a subsequent Order in Council. Draftsmen will not need to be reminded that s. 32(3) of the Interpretation Act does not cover Orders in Council. The new Act remedies the omission.

Mention may here conveniently be made of the brief Extradition Act (c. 39), which adds dangerous drugs offences to the list of extraditable crimes scheduled to the 1870 Act, thus enabling Britain to ratify a treaty with the United States of America.

Tariffs and Finance.—The first legislation of the session was an earnest of the abandonment of free trade. The Abnormal Importations (Customs Duties) Act (c. 1) briefly authorizes for six months the taxation of foreign manufactured goods by departmental order. The same method is applied for twelve months by the Horticultural Products (Emergency Customs Duties) Act (c. 3) to foreign fruit, vegetables and flowers. The object in each case is to protect home products; the second of the two Acts was also justified as a taxation of luxuries. The departmental orders lapse after twenty-eight days unless approved by resolution of the House of Commons.

The Import Duties Act (c. 8) has a wider sweep. It imposes a general *ad valorem* revenue tariff of 10 per cent. with certain exemptions; there is a free list in the first schedule, and goods may be added to the free list by an order of the Treasury made upon the recommendation of a small Import Duties Advisory Committee. By similar machinery an additional customs duty may be charged on any class or description of goods which either are articles of luxury or else are produced or likely to be produced in the United Kingdom "in quantities which are substantial in relation to United Kingdom consumption." The Act arranges for Imperial preference as regards the self-governing Dominions, India and other parts of the Empire. On the recommendation of the Board of Trade, a Treasury order may extend preference to certain foreign goods. On the other hand, the Board of Trade may impose supplementary duties in case of foreign discrimination against British goods. There are special provisions for composite articles and goods imported for re-exportation. Treasury regulations may convert an *ad valorem* duty into a duty chargeable by weight or other measure of quantity. The departmental orders which impose customs duties will, here again, expire after twenty-eight days unless approved by resolution of the House of Commons. The interpretation clause includes "fish of British taking" among "goods produced in the United Kingdom."

On top of this statute, and in part amending it, comes the Ottawa Agreements Act (c. 53), whereby effect is given to the Imperial trade agreements concluded at a conference in July. The Import Duties Act had exempted the Dominions from its general tariff till November 15; the Agreements Act carries on the exemption and gives some increased margin of preference. As Dominion goods were already coming in free, the preference could not be given by reduction of duty; it therefore takes the form of an increased duty on foreign articles. Agreements, fortified by declarations, are scheduled to the Act. S. 1 sets up the customs duties which the Dominions asked for; the Treasury has an elastic power to get rid of the duties when no longer wanted. S. 2 provides the general preferences for the British Empire; the unfortunate dispute with the Irish Free State here requires a special sub-section. There is a copper duty which was put forward as frankly prohibitive. Other sections deal with Empire wines, tobacco and coffee, frozen and chilled meat. S. 5 secures the Canadian preferences against unfair competition "through State action on the part of any foreign country." S. 6 enables the Treasury to add goods to the free list (scheduled to the Import Duties Act) without recommendation from the Import Duties Advisory Committee. Then comes an amendment of the 1922 restrictions on importing Canadian cattle, animals unsuitable for breeding being still excluded. The various agreements are deemed to stand until the Treasury by order declares the contrary. The more important Treasury orders contemplated by the Act are subjected to House of Commons control in the manner already prescribed in other cases, lapsing after twenty-eight days unless continued by Parliamentary resolution. The task of the draftsman of this statute was to make sure that he gave proper effect to a bundle of documents couched in the language of business men.

Tariff arrangements are further elaborated in the annual Finance Act (c. 25). The Import Duties Act is thereby amended inasmuch as the Treasury, acting on the advice of the Advisory Committee, is now authorized to remove goods from the free list and to exempt consignments of machinery. The Treasury may also approve schemes as to allowance of drawback if, "having regard to all the circumstances, including the interests of any producers in the United Kingdom of material of the kind specified in the scheme, it is in the national interest that drawback should be allowed as provided by the scheme." Other provisions of the Finance Act reimpose the customs duty on tea, reduce the duties on certain colonial sugar and molasses and vary those on articles made of silk or artificial silk. For protection of the customs and excise revenue from spirits and beer, a penalty is imposed on the misdescription of liquor as spirits or as ale, beer, porter or stout; there is a special saving here for ginger beer and ginger ale. The income-tax remains at five shillings in the pound; special attention is given to the taxation of voluntary pensions and to deductions for wear and tear of machinery or plant. Relief from tax for life insurance premiums is extended to insurances and annuities arranged with Lloyd's or any other officially approved association of underwriters. An Exchange Equalization Account is established to iron out fluctuations. The Snowden land value tax is postponed to such financial year as Parliament may hereafter determine, though many Conservative members of Parliament wanted to see it abolished rather than suspended.

The session happens to include two Isle of Man (Customs) Acts (cc. 16 and 41); they fall into line with the United Kingdom provisions as to import duties. There are the usual Appropriation, Consolidated Fund and Public Works Loans Acts (cc. 14, 42 and 50). The Tanganyika and British Honduras Loans Act (c. 17) enables the Treasury to guarantee the capital and interest of a loan to Tanganyika and authorizes an advance to British Honduras to repair damage due to the disastrous hurricane of 1931 and for other public purposes. Both these loans are subject to the usual safeguards respecting sinking funds and punctual payments.

Two short statutes show that emergency measures are still required. The Indian Pay (Temporary Abatements) Act (c. 7) authorizes cuts in the pay of persons in the service of the Crown in India "notwithstanding statutory rights." The Financial Emergency Enactments (Continuance) Act (c. 13) prolongs till March 20, 1933, the wide power of the Treasury (under the Gold Standard (Amendment) Act of the previous year) to make orders to meet exchange difficulties arising out of the suspension of the gold standard. It also continues the Foodstuffs (Prevention of Exploitation) Act of 1931 to the same date. When the time came in 1933, these temporary measures were suffered to die quietly.

Relief of the Unemployed.—The statutory scheme of State insurance against unemployment, as originally devised, was now insolvent. For thousands the right to benefit had lapsed through their inability to keep up their contributions. In 1931 an Order in Council under the National

Economy Act dealt with the making of "transitional payments" to persons whose circumstances were such that whilst unemployed they were in need of assistance. One brief Act of 1932 (c. 19) prolongs the period of these "transitional payments." The whole plan of insurance awaited comprehensive revision in the light of the report of a Royal Commission. Meanwhile the test of "need of assistance" caused friction and annoyance by its scrutiny of family incomes and by the uncertainty of its local application. How far, for instance, were wound pensions or workmen's compensation to be taken into account? If the applicant had savings or investments or owned his own house, had he to sell his property and exhaust his capital before he could be deemed in need? The Transitional Payments (Determination of Need) Act (c. 54) answers these questions by laying down four rules: (1) disability or wound pensions are to be taken into account as if reduced by one-half; (2) weekly payments under the Workmen's Compensation Act are similarly to be deemed halved; (3) money and investments treated as capital assets are to be disregarded up to £25, and, if the value is between £25 and £300, are to be treated as equal to an income of one shilling for every £25; (4) in reckoning the value of anyone's interest in the house wherein he resides, any sum he might get by selling or mortgaging that interest is to be disregarded. These four rules are laid down for determining whether the individual's need justifies his application for "transitional payment." All or any of the rules may also be observed in granting outdoor relief under the poor law apart from the principle of unemployment insurance. For "transitional payment" (found by the State) the rules are mandatory; for poor relief (found by the local authorities) they are permissive. Had they been mandatory for poor relief, a State grant towards local authorities' expenditure could hardly have been refused.

Social Services.—To the continuance of industrial depression two other Acts are due—the National Health Insurance (Prolongation of Insurance) Act (c. 6) and the National Health Insurance and Contributory Pensions Act (c. 52). These, while preserving the contributory principle, are specially concerned with the financial stability of the system, with the loss of contributors' income through unemployment, with the heavy cost of married women's benefit and with keeping in insurance the many workless whose contributions had of necessity lapsed for long periods. The second and longer of the two Acts relies in part upon a "Schedule of Minor and Consequential Amendments"; it has also a simple and effective press-the-button clause for applying its provisions to Northern Ireland.

Children and Young Persons.—The Children and Young Persons Act (c. 46) is a notable advance upon the Children Act of 1908. It begins by reconstituting our juvenile courts. Their work, essentially reformative rather than punitive, is to be linked with that of the education authorities. These courts are to have regard to the welfare of the juvenile and to see to his or her education and training. Cases will not be decided without adequate information as to the age, religion, history, environment and physical condition of the child or young person. Except that it rejects a suggestion to establish central observation centres for the psychological treatment of difficult youngsters up to the age of 21, the Act follows the recommendations of the Young Offenders Committee which reported (Cmd. 2831) in 1927. The juvenile courts will not be held in ordinary police-court buildings. There are to be special panels of magistrates. The procedure will be governed by rules made by the Lord Chancellor. The public will be excluded, with a saving for *bona fide* representatives of newspapers or news agencies. No newspaper report is to reveal the juvenile's name, address or school or to include any particulars which would lead to identification; no picture is to be published of a juvenile concerned in the court's proceedings. The maximum age of the "young person" dealt with by these courts is raised from 16 to 17. Juveniles over 10 and under 17 will be eligible to be sent to "approved schools" (the new name for what used to be called reformatory or industrial schools), where they may remain till they are 19. Juvenile courts will not be concerned only with juvenile offenders. They will also deal with juveniles suffering from neglect or needing care and protection because living in conditions of moral danger (*see* s. 9). The courts may send children and young persons to an approved school, or commit them to the care of a "fit person," or place them under the supervision of a probation officer or other person appointed by the courts. Where one of these supervision orders is in force, the supervising officer is to "visit, advise and befriend" the youngster "and, when necessary, endeavour to find him suitable employment"; he may bring him before a juvenile court "if it appears necessary in his interests so to do." A "fit person" may include a local authority, and there is provision for boarding out children with foster-parents. Juveniles may be brought before juvenile courts by a local authority, a constable or an "authorized person"—*e.g.* one of the societies for the prevention of cruelty to children. Juveniles believed to be the victims of certain specified offences may be forthwith removed to a "place of safety." Place of safety will include a "remand home"; remand homes take the place of what used to be called "places of detention."

There are fresh restrictions on juvenile employment. There is to be no street trading under 16 (with a limited exception for work with parents); the limit of 16 may be raised to 18 by local by-laws. S. 51 (sometimes called Lady Astor's clause) enables local authorities to make by-laws as to employment of young persons under 18, but the Home Secretary's order bringing the section into force will require affirmation by a resolution of both Houses of Parliament. Among other improved protections against cruelty there is a more stringent regulation of voluntary homes for children and a stricter control of persons who receive infants for reward. Juveniles waiting in the precincts of a criminal court or at a police station are to be shielded from association with disreputable adults. The House of Lords stubbornly refused to allow the abolition of corporal punishment. In other respects the position of young people in criminal proceedings is ameliorated. The words "conviction" and "sentence" are not to be used of juveniles dealt with summarily. The age of criminal responsibility is raised from 7 to 8. The age below which a sentence of death cannot be passed is raised from 16 to 18; in practice the line is drawn higher still.

The Act, except where it deals with the employment of juveniles abroad, applies to England only. As already noted in our Journal,[1] a Scottish version ingeniously takes effect as a separate Act of Parliament. An obvious misprint in s. 31(4) of the Act itself ("succeeding" for "preceding") is avoided in the Scottish counterpart. The English law (except as to infant life protection) was consolidated in the following year.

[1] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. iv, p. 283.

Justice.—Other reforms in English legal and judicial procedure are enacted by the Administration of Justice Act (c. 55). The long chain of appeals is shortened in the case of decisions by official referees. These judicial officers have the powers of a High Court judge and spend their days hearing tedious litigation over accounts and figures, which otherwise would congest the High Court cause-list. Their decisions are now made final on facts, while on law the appellant will go direct to the Court of Appeal, missing out the King's Bench Division. Official referees will circumscribe the area of appeals by stating a case and thus limiting the legal issues. Another small improvement enables the High Court to grant probate or administration where a deceased person leaves no estate. Opportunity is also taken to correct a technical error discovered in the new consolidation of the law of solicitors.

The curious case of *Hauxton Parochial Church Council* v. *Stevens*, [1929] P. 240, while sound law, took the public by surprise and led to the passing of the Chancel Repairs Act (c. 20). By way of historical explanation, it may be stated that the chancel of an ancient parish church is the rector's freehold ; he must maintain it out of the profits of his rectory. Where rectories (with their rights, properties and obligations) passed from spiritual rectors to monastic houses, thence to the Crown at the Reformation and finally to persons who derived title from the Crown, the duty to repair the chancel went with the property. Mr. J. H. Stevens in 1916 bought some land which was thus charged with liability to repair the chancel of Hauxton Church in the diocese of Ely. In 1927 repair was overdue ; the cost was estimated at £30, and the churchwardens and parochial church council asked Mr. Stevens to pay. The case came before the diocesan chancellor, who held that Mr. Stevens purchased with knowledge of the liability but that his knowledge was immaterial. Holding that there was no defence, he admonished Mr. Stevens to do the repairs and pay the costs. Ecclesiastical courts might once have enforced their decisions by excommunication : all that a chancellor can now do is to admonish, but the civil power (by a cumbrous procedure) was asked to aid the ecclesiastical jurisdiction. Mr. Stevens was arrested by the sheriff and, refusing to pay on principle, was lodged like a second Bunyan in a Bedford gaol. His martyrdom was brief but sensational. A committee was invited to report (*see* Cmd. 3571), and the law is now changed so that the ascertainment of liability, together with the remedy for enforcing repairs, is transferred to the county court.

Labour.—Hours, prices and production are dealt with in the brief Coal Mines Act (c. 29), though the document *per se* conveys no idea of its purport. It continues till the end of 1937 (and no longer, unless Parliament otherwise determines) Part I of the Coal Mines Act of 1930 under which the production of each mine and the minimum price of coal were regulated by district schemes. This system of regulation would otherwise have expired at the end of 1932. There is another continuance. The statutory hours below ground would automatically drop from 7½ to 7 per day on July 7, 1932, when s. 1 of the Coal Mines Act of 1931 was due to expire. The section is prolonged, not for a definite period but until legislation shall be passed to give effect to the draft international convention on this subject adopted at Geneva in 1931. The Government gave an assurance that it was negotiating with other countries to secure simultaneous ratification of this convention. The Act is silent as to wages, but the Government announced that it had secured from every district a guarantee that wages should not be reduced for a year.

Agriculture.—The arable farmer in Great Britain is encouraged by the Wheat Act (c. 24) to look forward to a secure market and a standard price. To secure the market a Wheat Commission may yearly in June represent to the Minister of Agriculture " that it is expedient that any stocks of home-grown millable wheat then harvested, being wheat sown during the last preceding cereal year, should be bought by the Flour Millers' Corporation " (a new statutory body of five persons representing the milling interest). Thereupon the Minister may order the Corporation to buy the unsold wheat of the registered growers of wheat to whom the order relates; but he cannot require them to buy more than 12½ per cent. of the anticipated supply for that year. There is to be a " standard price " of 10*s*. per cwt. or 45*s*. per quarter. Thus the grower sells his wheat in a free market till June. After the cereal year ends on July 31, the Minister must prescribe the " ascertained average price " of wheat for the year. The difference between this average price and the standard price is the " deficiency payment " which is due to the grower. The millers and the importers are liable to make a " quota payment " for every cwt. of flour so that the cost to them equals what they would have to pay if subject to a quota system for the physical admixture of a fixed percentage of home-grown wheat. To check undue expansion of home wheat, the scheme is limited to 27 million cwts. of home-grown wheat per year. The Wheat Commission, appointed by the Minister, has to administer the scheme, to collect quota payments from millers and importers and to issue to the registered growers " wheat certificates " for corn already despatched on delivery; these certificates will be vouchers for the farmers' claims to deficiency payments. Repayments may be made for flour exported or shipped as stores or for exported bread. The Wheat Commission has powers to make by-laws and to require information. The Minister has powers to make regulations—*e.g.* for prescribing the standard of " millable wheat." There are penalties for forgery or fraud in connexion with certificates or other documents under the Act and for falsification of books or default in furnishing returns. It is a complicated scheme for the English farmer to whom co-operation and regimentation are not natural. The details, agreed in advance by farmers, millers, flour importers and corn merchants, put Parliamentary draftsmanship to a severe test. It does not fail.

In 1925 an Agricultural Credits Act brought into existence a company for facilitating long-term credits secured by mortgages with repayment spread over a term of years. Now an amending Act (c. 35) is required to exclude the rule of equity which otherwise would upset the scheme by allowing the mortgagor to redeem before expiry of the period. Another provision puts the liability to repay instalments upon income where the borrower has the powers of a tenant for life and is entitled to his land in a fiduciary capacity.

Under agriculture we should perhaps include the Destructive Imported Animals Act (c. 12). It seeks to control the importation and keeping of the musk rat or musquash, an animal introduced for its fur but found to be a danger to property and to public safety through its beaver-like industry in burrowing into embankments and the sides of rivers and reservoirs. The Act offers either control by a system of regulations, licensing and inspection or else absolute prohibition. If musk rats are found at large, the appropriate department will be notified and will take steps to destroy them; no action for damages will lie for the killing or wounding of animals thus found at large. If the keeping of musk rats is prohibited by departmental order, compensation is to be given for destruction of rats kept for profit. The Act can be extended (by an order approved by resolution of Parliament) to other "animals of any non-indigenous mammalian species" which, by reason of their destructive habits, it is desirable to keep in check or exterminate.

Town and Country Planning.—Partly because it had originally been introduced by the Labour Government, partly because its critics were suspicious of latent or patent tendencies towards bureaucracy, the Town and Country Planning Act (c. 48) was heavily amended in its passage through Parliament. The addition of "and Country" in its short title is a significant amplification of the former Town Planning Act which it repeals and replaces. The powers of county councils are enlarged. Schemes may now be made for re-development of built-up areas. The resolution by which a local authority decides to prepare or adopt a scheme for its area requires approval by the Minister of Health. He may vary the extent of the land to be included, and his power to approve is conditioned by a formula (to be found in s. 6(2)) as to built-up land where development is likely and as to non-built-up land where development is unlikely. There is a right of appeal to the High Court for persons who wish to challenge the validity of schemes or of compulsory purchase orders. Compensation for injurious affection is payable with certain limitations. Where a scheme increases the value of property, betterment is recoverable from the owners to the extent of not more than 75 per cent. of the increase. The betterment is not exacted until the increased value is realized. Among the new protections for our amenities, the section which deals with advertisements deserves study. The Act, framed for England, contains a list of modifications necessary for its application to Scotland; as so modified and applied, it becomes a separate statute (c. 49) as in the case of the Children and Young Persons Act already mentioned.

Landed Property.—The Rights of Way Act (c. 45) provides that ways on or over land, if enjoyed by the public as of right and without interruption for twenty years, shall be deemed to have been dedicated as highways unless (*a*) there is proof of absence of intention to dedicate during such period, or (*b*) there was, during that period, nobody in possession of the land who was capable of dedicating. If the way has been enjoyed as of right and without interruption for forty years, there will be a conclusive presumption that it has been dedicated as a highway unless the evidence negatives the intention to dedicate. This new law helps the public because, where land has been "in settlement" and not owned in fee simple, the tenant for life's inability to dedicate has hitherto obstructed the running of the period of years. In future this disability will not bar the presumption of dedication where forty years' use is established. The Act also helps the landowner by specifying machinery whereby he can negative the intention to dedicate. He can also now deposit with local authorities a map of his land and "a statement indicating what ways he admits have been dedicated as highways." Another useful section directs the court, before deciding a dispute about a right of way, to "take into consideration any map, plan or history of the locality or other relevant document that is tendered in evidence." Thus tithe apportionment maps and similar materials at last become admissible evidence, though it rests with the tribunal to assess their value in each case. The Act begins somewhat awkwardly with a long relative clause containing a double negative, and the marginal note against the first section suffers—as marginal notes must often do—for its praiseworthy compression.

Lord Blanesburgh's Law of Property (Entailed Interests) Act (c. 27) explains, in the esoteric language of conveyancers, that its object is "to prevent the conversion of entailed interests into absolute interests and the destruction of interests expectant thereon by the statutory trusts for sale." Its genesis may be found in *Re Price*, [1928] Ch. 579, a decision which seemed to disappoint some of the intentions of the Birkenhead legislation of 1922 and 1925. The Act also clears up an obscurity about "rent charges in possession" which had cropped up in the development of building estates.

Industrial Property.—The United Kingdom law of patents and designs rests on the Act of 1907 as revised in 1919. A committee, whose authority was enhanced by the chairmanship of Sir Charles Sargant, unanimously recommended further amendments which an Act of 1932 (c. 32) embodies. Formerly the Comptroller-General of Patents, Designs and Trade Marks could refuse an application for a patent on the ground that the invention had been already described in British patent specifications covered by applications lodged at the Patent Office in the past fifty years. It was suggested that foreign patents could claim higher value where they were based on a search unlimited in time. The new Act, without abolishing all time-limit, allows the Comptroller a discretion to extend his search, any extra expense being met by an extra fee. Another amendment at last enables the Comptroller to reject an application if the alleged invention is "so obviously contrary to well-established natural laws that the application is frivolous." This, it was hopefully stated, might protect the foolish investor's pocket. The Comptroller also has power henceforth, if he thinks a particular use of a patent would be contrary to law, to impose conditions requiring the applicant to insert in his specification a disclaimer as respects that use. Another change relates to groundless threats of legal proceedings for infringement. Anyone aggrieved by some threatening circular or advertisement or otherwise may now bring an action himself to secure a declaration that the threats are unjustifiable and may obtain an injunction against their continuance. Lastly, the law officers, probably to their relief, are divested of their jurisdiction in appeals from the Comptroller. There is to be a new Appeal Tribunal, namely a High Court judge nominated by the Lord Chancellor. Save for court fees, the proceedings before the Tribunal are not to be deemed proceedings in the High Court; persons who had a right of audience before the law officers (*i.e.* solicitors and patent agents as well as barristers) will retain their right to appear before the Tribunal. These are perhaps the main changes in the ten pages which contain the fifteen sections of the new Act; there is also a schedule of seventeen pages of minor amendments. Whether major or minor, all are shaped (as already mentioned) so as to fit into the framework of the principal statute. The reprinting clause enables the public to buy a clean text of the 1907 Act as amended. It is a pity that, so far as the short title goes, there is no distinction between the up-to-date reprint and the original Act *per se.* There are several precedents for making a distinction—*e.g.* by omitting the calendar year (a misleading element, in any case) from the short title of the consolidated reprint.

The British Museum Act (c. 34) amends the Copyright Act of 1911 in a minor administrative detail. Under the 1911 Act every publisher must send the British Museum library a copy of each of his publications under a penalty of £5 for non-compliance. Huge as is the accommodation of the great library, its Trustees would willingly be excused the task of receiving, sorting and housing various classes of publication devoid of literary appeal or historical interest, such as trade advertisements (already dealt with by an Act of 1915), registers of voters, specifications of inventions, time-tables of transport services, calendars, blank forms of accounts or wall-sheets printed with alphabets, mottoes, religious texts or other matter for the purpose of elementary instruction. The new Act enables the Trustees to exempt publications of this nature from the general duty to supply copies.

Trade and Commerce.—The Bills of Exchange Act (1882) Amendment Act (c. 44) applies the " crossed-cheque " provisions of the 1882 Act to a banker's draft as if the draft were a cheque. The short title of the Act surrenders brevity and gets no compensating advantage of descriptiveness in return.

Gas manufacture in Great Britain is often represented as fettered by old-fashioned statutory restrictions from which the younger industry of electricity is free. A Gas Undertakings Act (c. 40) enables " gas undertakers " to invest in one another's securities with the idea of rationalized working, particularly in the joint production and marketing of residuals. The scale of investment is limited to one-tenth of the capital of the undertaking where the undertakers are a local authority ; in other cases the limit is one-twentieth, but, if the Board of Trade approves, may be one-tenth.

Scotland.—The two synthetic statutes ingeniously fashioned for Scotland on the subjects of children and young persons (c. 47) and town and country planning (c. 49) have already been mentioned. In addition there are three other statutes of purely Scottish application.

By the Universities (Scotland) Act (c. 26) Crown rights of appointment to theological professorships are henceforth vested in the governing bodies of the universities. A religious test, originally imposed on all principals and professors by an Act of Anne and confirmed by the Act of Union, subsequently limited by statutes of 1853 and 1859 to particular chairs of divinity, is now removed as an anachronism, notwithstanding that the earlier Acts had declared that it should endure for ever. Bursaries and scholarships hitherto tenable only by students at Church colleges are now thrown open to any theological student who is preparing himself for the ministry of the Church of Scotland and of the United Free Church of Scotland (Continuing).

The Educational Endowments (Scotland) Act (c. 5) prolongs for another three years the useful activities of the Commissioners appointed under the Act of 1928 to review educational endowments and prepare schemes for their rearrangement and better application.

On lines recommended by a Departmental Committee the Hire Purchase and Small Debt (Scotland) Act (c. 38) deals with the purchase by instalments of articles not exceeding £20 in value. No contract within the Act will in future be binding on the hirer, purchaser or guarantor unless he has signed it and has received a copy. There is a new power for the hirer or purchaser to terminate the contract by redelivery of the goods, with a proper allowance for reasonable wear and tear, and by payment of due instalments together with "the amount if any by which one-third of the total payments stipulated for in the contract by way of instalment exceeds the *cumulo* amount of the instalments due." Two sections remove serious hardships. S. 4 makes void any stipulation whereby one of the parties prorogates, or agrees to submit to, the jurisdiction of a particular court. This means that an Aberdonian who buys something on hire-purchase from a shop in Glasgow cannot unwittingly bind himself to appear—if he has to appear in any court of law—at a court in Glasgow. S. 7 cuts down the liability to imprisonment on a decree of the sheriff where the hire-purchaser has fallen behind with his instalments. He cannot now be imprisoned except on a warrant by the court to which the trader applies; the court cannot order prison unless it is proved that the defender is wilfully refusing to comply with the decree. Contracts inconsistent with the new law are to be void.

Miscellaneous.—Among the remaining statutes to be mentioned the Sunday Entertainments Act (c. 51) stands out as a characteristic English compromise. It ended the deadlock, described in last year's summary, of an illegality tolerated by the public yet exposed to attack from the archaic artillery of the common informer. It allows Sunday concerts and cinema shows to continue under licence in areas where they had previously been unlawfully conducted or, where local option expressed the desire, in other areas. Conditions mitigating Sunday labour are imposed and a prescribed percentage is deducted from the receipts as a contribution to charities and to the new Cinematograph Fund. The Privy Council will direct and control this fund for "encouraging the use and development of the cinematograph as a means of entertainment and instruction." A specific exception is made to the Sunday Observance Acts in favour of these now legalized Sunday entertainments, of museums, picture galleries, zoological or botanical gardens open on Sunday, and of Sunday lectures and debates. Otherwise the old laws still stand.

The Marriage (Naval, Military and Air Force Chapels) Act (c. 31) enables the soldier, sailor or airman to be married in his own place of worship. The chapels where he attends church parade are seldom consecrated, all denominations being thus able to make use of them. Marriages cannot take place in unlicensed chapels. The new Act enables the bishop of the diocese to license a chapel in England at the request of the Admiralty or the Secretary of State for War or for Air. When a chapel is so licensed, banns may be published and marriages solemnized in it. The marriages will be those in which one party at least is (at the relevant date) a "qualified person," *i.e.* a member in the regular or auxiliary forces or in the reserves, or someone employed as a member of a naval, military or air force nursing service, or the daughter of a qualified person. The Act makes provision for marriages according to Church of England rites (in which case solemnization must be by a clergyman duly appointed by the Admiralty or Secretary of State) and for other marriages. The validity of marriages in chapels under the Act is fortified by a provision that it shall not be necessary to prove, in support of the marriage, that the chapel was duly brought within the Act or that either party was a "qualified person" or that a Church of England marriage was solemnized by a duly appointed clergyman. No evidence to prove the contrary is to be given in any legal proceedings touching the validity. The Act must have involved prolonged research by the draftsman into laws for the most part a century old. It remains to be seen how much use will be made of the new facilities.

Two short Rating and Valuation Acts (cc. 18 and 33) make minor adjustments of recent changes in the law.

A close season for the grey seal is provided by the Grey Seals Protection Act (c. 23), replacing a temporary statute of 1914 which has hitherto been annually continued. Departmental orders may cancel the close season for the coming year and specify the beginning and end of the next close season. Orders which thus legalize seal-killing must contain provision for a system of permits and for prohibiting killing except under permit and with prescribed weapons or instruments. An area in the Outer Hebrides is reserved as a sanctuary for the grey seal.

Inshore fishermen are meant to be assisted by the Public Health (Cleansing of Shell-fish) Act (c. 28). It authorizes local authorities to spend money on tanks or other means for " cleansing shell-fish "—an expression defined to include " the subjection of shell-fish to germicidal treatment."

Local Acts.—There were ninety-seven Local Acts in this session, but no Private Act. This legislation is concerned as usual with enlarging the powers of particular local authorities in such fields as public health, gas, water and electricity supply and transport facilities. The Thames Conservancy Act consolidates many previous enactments with some amendment ; the same process is applied to the local laws of Edinburgh.

These voluminous Local Acts present a panorama of the activities of local authorities ; a few instances of the apparent novelties of the year will reveal the ingenuity and thrust of local officials in pushing forward experimentally in advance of the general standards applicable all over the country. At Birkenhead the municipality may require persons who construct new streets to put in separate sewers for sewage and surface water. At Bury an owner may be compelled to fill in or remove disused drains. In London the usual powers of inspecting and destroying unsound food are extended to articles of food offered as prizes or given away for advertisement. Under a Port of London Act refuse is not to be burnt within a mile of the Thames so as to cause danger by smoke to navigation. The London County Council takes power for a system of giving warning of high tides such as took serious toll of life in riverside houses during floods a few years ago. In several cases Parliament alters municipal boundaries or varies the prescribed objects of charities. The local authority at St. Andrews obtains power to charge for admission to the golf links during championships. If some local bodies can be trusted to press forward, others, it seems, need to be reined back. Where, for example, a local authority has its own undertaking for electricity supply, it may be tempted to prevent the tenants on its municipal housing estate from using any form of lighting, heating or power except electricity, to the detriment of rival gas companies. The Kettering Gas Act, in an instance of this kind, prohibits a too ruthless exploitation by a collective landlord.

Church Assembly Measures.—Only one Measure was presented for the Royal Assent during the session after having been passed by the Church Assembly under the enabling statute of 1919. This concerned the right of presenting clergymen to benefices, a right now no longer exclusively regarded as a piece of private property. It was the Benefices (Diocesan

Boards of Patronage) Measure. Each diocese is to have a Board which can acquire, hold or transfer a right of patronage and can exercise any right of presentation. Recent legislation has made rights of presentation unsaleable after the next two vacancies. It is thus the more desirable to have some representative public body to which the patron may be disposed to transfer his advowson.

Delegated Legislation.—In the calendar year 1932 Statutory Rules and Orders to the number of 1,140 were registered under s. 3 of the Rules Publication Act, 1893: 469 were classified as general, 671 as local. Except for an almost similar figure in 1928 and a much lower figure in 1916, this total for 1932 is the lowest since 1906. Arithmetically, therefore, there is no evidence of a progressive undermining of the direct legislative functions of Parliament. The text of the Rules and Orders of 1932 occupies 1,800 pages; the contents are of the usual scope: rules of procedure for various courts or administrative law-making in respect of public health and local government, housing, education and health and unemployment insurance. If the statutes are now to be regarded as approved architectural designs of a general character, the Statutory Rules and Orders are the large-scale details for the builder and his masons and carpenters to work upon. Here, for example, are to be found the Load Line Rules, Life-saving Appliances Rules and Fire Appliances Rules under the recent Merchant Shipping (Safety and Load Line Conventions) Act, together with the Distress Signals Order, the Urgency Signal Order and the Distress Messages and Navigational Warnings Rules. Here, too, are the Designs Rules and the Patents Rules for working the newly amended Patents Act, the Wheat Fund Regulations and Quota Payments Order for working the Wheat Act and fresh Rules and Regulations under the lately rewritten law as to solicitors. Among other interesting matters is the Hops Marketing Scheme made under the Agricultural Marketing Act of 1931. Of Rules and Orders which modify Acts of Parliament there is a Scottish order containing a little code of law for electing district councillors. It will be remembered that the Local Government (Scotland) Act of 1929, when it somewhat hurriedly created district councillors, said that their election should be governed by the statutory provisions applicable to parish councillors " subject to such modifications and adaptations as the Secretary of State may by order prescribe." This method, of course, saved Parliament the trouble of directly specifying provisions for district council elections. There are also some lengthy Fertilisers and Feeding Stuffs Regulations which amend five schedules of the 1926 Act, though in respect of matters which might well have been left to delegated legislation originally. Another class of orders modifying an Act consists of the Import Duties Exemptions Orders, which add lists of goods to the free list in the first schedule of the Import Duties Act. The law of taxing imported goods is now complicated by the need of reference to frequently changing orders; if a tariff system is to operate with the necessary elasticity, this is presumably inevitable.

2. JERSEY.

[*Contributed by* C. W. Duret Aubin, Esq., *H.M. Solicitor-General.*]

During the year 1932 nine Acts of the States of Jersey, which had received the sanction of His Majesty in Council, were registered, and one Order of His Majesty in Council was enrolled.

Of these the four following Acts are alone, possibly, of other than purely local interest.

Horticultural Products.—The adoption of a law authorizing the levying of a customs duty upon certain categories of fruit and of fresh vegetables, of flowers, of bulbs, of plants and of foliage (L-52) follows upon the enactment in the United Kingdom of the Horticultural Products (Emergency Customs Duties) Act, 1931,[1] and it is designed, *inter alia*, to prevent the importation into Jersey and the re-exportation into England, under the guise of Jersey produce, of foreign produce affected by the United Kingdom legislation.

Income-tax.—The law authorizing a tax upon income (L-57) is substantially identical with the Act (L-100 of 1928) which first established a tax upon income in Jersey, and is enacted for a period of five years from January 1, 1933. The statutory maximum rate of tax remains at 1*s*. in the £.

Liquor Licences.—The law on the sale and consumption of spirituous liquors (L-60) is designed to modernize the existing licensing legislation, which altered insular conditions had rendered obsolete. An attempt is made, by the creation of a boarding-house licence, to deal with the problem of liquor facilities in those establishments, which have arisen in large numbers in the Island. A preference, in the form of extended hours, is given to hotels as against public houses, and hotels are themselves divided into two classes depending, broadly, upon the amenities they offer to the public. The test laid down for distinguishing hotels from public houses is the proportion of liquor to total receipts. Where more than 50 per cent. of gross receipts are derived from liquor, the establishment concerned is deemed to be a public house. Universal Sunday opening is provided for by the Act, but during very restricted hours only.

Imperial Preference.—The adoption of a law authorizing the levying of customs duties upon merchandise imported into the Island of Jersey (L-61) follows upon the enactment in the United Kingdom of the Import Duties Act, 1932,[2] and is designed, in the words of the preamble, " to encourage the importation into this Island of merchandise of growth and manufacture of the United Kingdom and of the other countries of the British Empire." This law is enacted for a period of five years from the date of its promulgation (December 31, 1932).

3. NORTHERN IRELAND.

[*Contributed by* SIR ARTHUR S. QUEKETT, K.C., LL.D.]

The fourth session of the third Parliament of Northern Ireland lasted, with successive adjournments, from March 8 till September 30, 1932. Seventeen public general Acts and three local Acts were passed. The fifth session was opened by the Governor in the new Senate Chamber at Stormont on November 22, and three public general Acts received the Royal Assent before the close of the year.

Industrial Development.—The New Industries (Development) Act (c. 2) enables grants to be made out of moneys voted by Parliament in cases where a person or body of persons sets up a " new industrial undertaking " in Northern Ireland and the undertaking is expected to provide employment within Northern Ireland to a substantial extent. Grants under the Act are made by the Ministry of Commerce with the consent of the Ministry of Finance. A grant takes the form of annual payments, not exceeding the equivalent of a reasonable annual rent in respect of the site of the premises in which the undertaking is to be carried on, and it takes the same form, whether the site is acquired by purchase or on lease. A " new industrial undertaking " is defined to be an industrial undertaking established after October 31, 1931, for the purpose of manufacturing or producing goods or commodities of a kind not being manufactured or produced in Northern Ireland at that date. In considering applications for grants the Ministry of Commerce has the assistance of an Advisory Committee nominated by the Minister. Where a grant has been made, the premises of the undertaking can be exempted from local rates if the local authority think fit.

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[1] 22 Geo. V, c. 3.

[2] 22 & 23 Geo. V, c. 8.

Since the year 1922, the Ministry of Finance has had power to give guarantees in respect of loans for undertakings calculated to promote employment in Northern Ireland. The Loans Guarantee Act (c. 6) extends the time within which the power of giving guarantees may be exercised until March 31, 1933.

Live-stock and Poultry.—The Slaughtered Animals (Compensation) Act, 1928, made provision for the payment of compensation in respect of live-stock exported from Northern Ireland ports and slaughtered at landing-places in Great Britain, by reason of the requirements of the British authorities in consequence of foot and mouth disease. The Act of 1928 established a fund out of which the compensation should be payable, by making a small levy upon each animal exported. The Exported Animals (Compensation) Act (c. 8) was passed in order that the Compensation Fund established by the Act of 1928 may become available for payment of compensation in respect of the extra lairage and feeding charges payable in British landing-places where, owing to foot and mouth disease or suspected disease, animals from Northern Ireland are detained beyond the normal detention period as prescribed by the British regulations. Under the 1928 Act, when the Compensation Fund amounted to £5,000, the Ministry of Agriculture for Northern Ireland could make an order for the suspension of payment of the export levy per head on each animal shipped. In view of the increased liability placed upon the Fund by the 1932 Act, this sum of £5,000 is raised to £10,000.

The Poultry Diseases Act (c. 5) is an extension of the Diseases of Animals Act, 1894, which was not applicable to animals other than quadrupeds. The Northern Ireland Act empowers the Ministry of Agriculture to make orders under the Act of 1894, for extending the definition of " animals " in that Act so that it shall comprise any kind of poultry; for extending the definition of " disease " in that Act so as to include any form of poultry disease; and for regulating or prohibiting the bringing into Northern Ireland of poultry or eggs intended for hatching, or the use, for hatching, of eggs brought into Northern Ireland. " Poultry " means live domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons and any other kind of live poultry included within the statute by order of the Ministry.

Humane Slaughter of Animals.—The Slaughter of Animals Act (c. 9) was introduced in the Senate as a Private Member's Bill, and received government support for its progress through both Houses. The Act makes it an offence, punishable summarily, for an animal to be slaughtered in a slaughter-house or knacker's yard except in accordance with the following conditions: (1) That the animal shall be instantaneously slaughtered or shall by stunning be rendered insensible to pain until death supervenes; (2) that the slaughtering or stunning shall be effected by a person licensed by the local authority for the purpose; (3) that the slaughtering or stunning shall be effected by means of a mechanically operated instrument in proper repair and of a type approved by the local authority.

Exception is made from these general provisions where an animal is slaughtered for the food of Jews by a Jew, duly licensed for that purpose by the Chief Rabbi of the United Hebrew Congregations of the British Empire and holding a licence granted by the local authority, or where an animal is slaughtered for the food of Mohammedans by a Mohammedan holding a licence granted by the local authority. In these excepted cases, the slaughtering must be carried out according to the Jewish or Mohammedan method of slaughter, as the case may be, and no unnecessary suffering may be inflicted.

There is a further exception for the slaughter of animals, in pursuance of the Diseases of Animals Acts, under the authority of the Ministry of Agriculture. The definition of the expression " animal " includes equine and bovine animals, sheep and goats.

The Act is comparable with 18 & 19 Geo. V, c. 29, which applies to Scotland only.

Allotments of Land in Urban Areas.—The Allotments Act (c. 17) empowers borough and urban district councils to provide allotments of land for residents in their area. The Act requires that a council shall, as between prospective tenants who are otherwise equally suitable, give preference to those who, by reason of unemployment or the number of persons depending upon them, or for other reasons, are in poor circumstances. An allotment is not to exceed one-eighth of an acre in extent; no person may become a tenant of more than one allotment; and a person may not receive an allotment if, apart from the provisions of the Act, he is an occupant of land to the extent of one-eighth of an acre. The allotments must, wherever possible, be let at rents of such amounts as may reasonably be expected to defray the expenses of the council in connexion with the allotments. The council may supply manures, seeds and agricultural implements to tenants of allotments. They may also make over land to voluntary associations to administer under the Act, and may accept contributions in money and gifts of land for allotments. A committee may be appointed for the purposes of allotment schemes, and out of that committee a number not exceeding one-fourth may be persons who are not members of the council. The Act adds to the statute-book a provision first made to meet the emergencies of the Great War, namely, that a penalty not exceeding £5 may be summarily recovered from any person who by any act done without lawful authority or by negligence causes damage to an allotment, or to crops, fences or buildings thereon.

Housing Subsidy.—The Housing (Grants) Act (c. 3) amends the governing enactment of 1923 (13 & 14 Geo. V, c. 30) by reducing the amount of the government subsidy to £25 per house. Parallel grants by local authorities are also limited to the sum of £25 in respect of each house. Alterations are made in the dimensions which render a house eligible for a grant; the minimum is 500 superficial feet, and the maximum 550 superficial feet.

Rent Restriction.—The Rent and Mortgage Interest (Restrictions)

Act (c. 14) gives effect to some of the recommendations made in the report of a Select Committee which was set up by a resolution of the House of Commons of Northern Ireland to inquire into the rents being charged for dwelling-houses subject to the Rent Restrictions Acts (that is to say, houses of £26 valuation or under), and dwelling-houses which had been subject to those Acts but which became decontrolled by coming into possession of the owners.

S. 1 of the Act prolongs the duration of the Rent Restrictions Acts until May 1, 1936. Under an enactment of 1928 control was due to expire on May 1, 1933, and the Select Committee reported in favour of this further extension on the ground of a continued shortage of suitable houses of a modern type.

Under an Act of 1925, houses of a rateable value exceeding £8, but not exceeding £26, were to cease to be subject to the Rent Restrictions Acts on coming into possession of the landlord. S. 2 of the 1932 Act keeps within control such houses as were controlled on April 12, 1932; it does not, however, reimpose control upon any houses of the above-mentioned rateable value which had come out of control before that date.

The Select Committee found that a practice prevailed under which a return in excess of the statutory rent had been secured from tenants in controlled houses, by substituting, for the letting of a house, a sale to the tenant by means of a hire purchase agreement under which a deposit was received, together with weekly or other payments in excess of the statutory rent. The Committee recommended that legislation should be introduced which would render illegal the making of such agreements in evasion of the Rent Restrictions Acts, and which would also invalidate any such agreements which had been made in the past. They also recommended that any person who had entered into such an agreement should be given by law the rights of a statutory tenant in a controlled house, and should be entitled to recover any deposit paid, and weekly or other payments made, in excess of the statutory rent. Accordingly, s. 3 of the Act seeks to remedy this mischief by laying down conditions for purchase agreements of various kinds and providing a penalty for non-compliance. It also carries out the Committee's recommendation by giving to certain existing occupants the rights of statutory tenants, and the right to recover excess payments made under agreements of the prohibited kind.

The Act contains also the following provisions: Requiring, under penalty, that landlords shall furnish to tenants notices of any reduction in local rates in respect of which a permitted increase of rent had previously been made (s. 4); amending the statutory form of notice of increase of rent, by adding to the First Schedule of the 1920 Act a paragraph setting out the right which the tenant has to withhold payment of increased rent on the ground of disrepair (s. 5); imposing an express liability upon an agent to disclose to the tenant the name of the landlord to whom rent is payable under the tenancy (s. 6); requiring that a demand for an unreasonable price to be paid for furniture, as the condition of granting a tenancy or of giving up possession, shall be treated as if it were a demand for an illegal fine or premium under the Act of 1920 (s. 7);[1] giving to a sub-tenant a right to apply to the county court to determine a fair rent for part of a dwelling-house let to him, if not let furnished (s. 8).

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[1] Compare s. 9 of the Rent and Mortgage Interest (Restrictions) Act, 1923, applicable in Great Britain.

International Tourist Trophy Motor Race.—Motor vehicle races can be held on public roads in Northern Ireland under the authority of an Act passed in the year 1922 (12 & 13 Geo. V, c. 11) which enables the necessary restrictions of traffic and other precautions to be put in force by county councils. In order to provide for a part of the expenses of the International Tourist Trophy Race of 1932, a special Act (c. 11) was passed so as to empower the Inspector-General of the Royal Ulster Constabulary (under an order of the Ministry of Home Affairs) to regulate the entry of motor vehicles into the race area, by requiring that a prescribed badge shall be produced on demand, and that a sum not exceeding 2*s*. 6*d*. shall be paid for the badge. The proceeds of the sale of this badge are applicable to any loss in connexion with the race, and after meeting any such loss the surplus of those proceeds is to be made available for the future promotion of motor racing in Northern Ireland. The Act enables provision to be made for the exemption of specified classes of motor vehicles, or particular motor vehicles, from the requirements as to the display or production of the prescribed badge. So far as practicable, such exemption is to be given to particular motor vehicles usually kept in the race area, or entering or leaving the race area for purposes other than those of the race.

Social Services.—National Health Insurance and Unemployment Insurance were maintained upon the same basis as in Great Britain by enactments of 1932. The Westminster Act (22 & 23 Geo. V, c. 52) amended the principal Act of 1924 (which applies to the whole of the United Kingdom, including Northern Ireland), and also amended some enactments as regards widows', orphans' and old age contributory pensions which are linked up with, and to some extent depend upon, the Insurance Act of 1924. The Westminster Act provided that the amending legislation therein contained should extend to Northern Ireland in connexion with matters within the legislative power of the Northern Ireland Parliament, if provision for that purpose were made by that Parliament. The necessary provision is made by the National Health Insurance and Contributory Pensions Act (c. 12), which enacts that the Westminster legislation shall come into operation on dates to be declared by the Governor of Northern Ireland in Council, and that such an Order in Council may make exceptions and adaptations in respect of the Westminster Act in its application to Northern Ireland, and may also modify or adapt existing enactments relating to National Health Insurance and Contributory Pensions so far as appears necessary or expedient for the extension of the Westminster Act to Northern Ireland.

The Transitional Payments (Determination of Need) Act (c. 3 of the Second Session) lays down rules in respect of " transitional payments " which took the place of transitional benefit under the Unemployment Insurance (Economy) Orders. The rules are similar to those requiring to be complied with in Great Britain under a corresponding statute.

Modernization of Lunacy Code.—The enactments providing for mental treatment in Ireland had never been subjected to any such overhaul as took place in England in the year 1890 (53 & 54 Vict. c. 5), and the backward condition of the Northern Ireland statutes was further emphasized by the passing of the English Mental Treatment Act, 1930 (20 & 21 Geo. V, c. 23). A consolidated code for Northern Ireland is much to be desired, but a substantial instalment was achieved by the Mental Treatment Act (c. 15).

Part I of the Act makes provision for voluntary and temporary treatment of persons suffering from mental illness. The jurisdiction of the Lord Chief Justice of Northern Ireland in lunacy is extended to temporary patients, and provision is made for applying to temporary patients various existing provisions of the Lunacy Acts.

Part II of the Act provides for the discontinuance of the use of the word " lunatic " and of various expressions in which the word " lunatic " occurs. The law as to admissions and discharges is amended, and made uniform for all public mental hospitals and institutions for the care of persons of unsound mind. No person is to be detained in an institution except upon a reception order made by a " judicial authority," that is, a resident (state-paid) magistrate or a justice of the peace appointed for the county in which the person alleged to be of unsound mind is resident or is found. The time within which a patient who has escaped from an institution may be retaken and detained without recertification is extended from fourteen to twenty-eight days.

Part III deals with private institutions and houses for mental treatment. It sets up a new system of registration by the Ministry of Home Affairs to take the place of the system of licensing by justices which had been prescribed by the Private Lunatic Asylums (Ireland) Act, 1842 (5 & 6 Vict. c. 123).

Part IV makes changes in the law relating to public mental hospitals. In particular, provision is made for the first time as to the settlement and chargeability of rate-aided persons of unsound mind. A person is deemed to be settled in, and chargeable to, the district in which prior to his admission to the hospital he last resided continuously for a period of at least three years. The committee of management of a public mental hospital are still under the liability of admitting a patient to the hospital without regard to the question of his place of settlement. If however, after admission, the committee can establish that the patient was settled in, and is properly chargeable to, a district other than that which their hospital serves, they are entitled to have the patient transferred to the hospital of the district in which he was settled. In the event of a dispute arising between two or more committees of management on the question of the settlement of a patient, the matter may be referred to the Ministry of Home Affairs, whose decision is to be final.

Part V of the Act transfers to the Ministry of Home Affairs certain administrative functions which were originally committed to the Lord Lieutenant as the head of the former Irish administration.

Illicit Drug Traffic.—The Dangerous Drugs Act (c. 1 of the Second Session) was passed so as to enable co-operation with Great Britain to be undertaken in Northern Ireland, and it closely follows the Act passed at Westminster (22 Geo. V, c. 15). S. 1 enacts a revised list of drugs to which Part III of the principal Act of 1920 is to apply. Two special preparations, commonly known as codeine and dionin, are excluded from this provision in order to be dealt with by the following section.

S. 2 deals with new derivatives of opium or the coca leaf. The method is by prohibition of such derivatives, followed by a power to lift the ban if they are proved to be scientifically or medically valuable, and at the same time to obtain from the League of Nations a report whether or not the drug is one of a habit-forming character. This section also enables codeine and dionin—the drugs excepted from the amended Part III of the principal Act—to be brought into that part.

S. 3 introduces two provisions creating offences which depend upon the state of law existing in countries whose governments are enforcing the various international conventions for the suppression of traffic in dangerous drugs. Sub-section (1) gives to justices of the peace powers of search and seizure as respects documents to be found in Northern Ireland and connected with transactions or intended transactions outside Northern Ireland which were, or would be if carried out, offences against "corresponding laws" in force in some place outside Northern Ireland. Subsection (2) makes a person guilty of an offence against the principal Act who in Northern Ireland aids, abets, counsels or procures the commission in any place outside Northern Ireland of any offence punishable under the provisions of any "corresponding law" in force in that place. These subsections are similar to the enactments applying to Great Britain and contained in 13 & 14 Geo. V, c. 5.

S. 4 of the Northern Ireland Act enables orders or declarations made by the Governor in Council to be varied or revoked by subsequent orders or declarations.

Tithe Rentcharge and Variable Rents.—An Act of the year 1930 (20 & 21 Geo. V, c. 22) gave, by way of variation, an all-round reduction in tithe rentcharges and variable rents to an amount of 8 per cent. in cases where the rentcharge or rent was payable to the Ministry of Finance (as successors, through the Irish Land Commission, to the Church Commissioners). The 1930 Act also enabled lay impropriators and other persons receiving tithe rentcharges or variable rents to agree to accept the 8 per cent. reduction. This provision was not compulsory, but by s. 3 of the Land Law (Miscellaneous Provisions) Act (c. 16), the general reduction of 8 per cent. is automatically applied to the latter class of tithe rentcharges and variable rents.

Rating of Railways.—The Railways (Valuation for Rating) Act (c. 4) deals with the valuation of rateable hereditaments occupied by railway companies in Northern Ireland for the primary purposes of their railway undertakings. The Act provides (i) that there shall be a quinquennial revision of the valuation of railway hereditaments: (ii) that the valuation of railway hereditaments shall be estimated upon a revenue basis, but subject to a definite minimum value.

Corresponding legislation is to be found in Great Britain (20 & 21 Geo. V, c. 24) and in the Irish Free State (Act No. 47 of 1931).

Company Law Consolidation.—By an Act containing 339 sections and 10 schedules the Company Law is consolidated, and thus the amendments made by the Act of 1930 (20 & 21 Geo. V, c. 12) are brought into clear relation with the previous law. The new Act (c. 7) came into force on January 1, 1933.

4. IRISH FREE STATE (SAORSTÁT ÉIREANN).

[*Contributed by* A. DENIS PRINGLE, ESQ., *Barrister-at-Law.*]

Public Acts passed—34.

Finance.—The Finance Act (No. 20) increases income-tax from 3*s*. 6*d*. to 5*s*. in the £, and surtax is levied on all incomes of over £1,500 per annum. S. 5 clarifies the position with regard to the assessment of executors and administrators of deceased persons. An assessment on such persons can be made for the year in which the person dies, or for any one or more of the six years next preceding that year, provided that no such assessment shall be made later than six years after the year of assessment, nor later than three years after the expiration of the year of assessment in which the deceased person died. S. 7 gives certain relief in respect of income-tax payable on dividends arising from stocks, shares or securities issued for public subscription after the passing of the Act which comply with certain requirements, as showing that the moneys raised thereby are to be devoted to the establishment or development of genuine Saorstát Éireann industries. A duty of 6*d.* in the pound is imposed on tea by s. 14, and a duty of 33⅓ per cent. on musical instruments, watches and clocks by s. 16.

Certain amendments are made in the entertainments duty which, by s. 25 (2), is to be paid on admission tickets to any ball or dance. By the following subsection games or sports promoted by the Gaelic Athletic Association, or the National Athletic and Cycling Association of Ireland, are exempted from the duty, and coursing by greyhounds becomes exempt by subsection 4. Part III, dealing with death duties, frees from legacy duty a legacy to be applied for charitable purposes in Ireland. S. 50 imposes a stamp duty on the available surplus in every sweepstake held under the Public Charitable Hospitals (Temporary Provisions) Act, 1930, at the rate of 17½ per cent. of such surplus for sweepstakes completed before April 6, 1932, and 25 per cent. for all future sweepstakes.

The Emergency Imposition of Duties Act (No. 16) gives the Executive Council practically unlimited powers by order to impose, vary or limit customs duties on any goods imported into Saorstát Éireann, excise duties and stamp duties. An order made under this Act only remains in force for eight months (unless confirmed by Act of the Oireachtas).

Control of Manufactures and Prices.—Two important Acts passed during the year were the Control of Manufactures Act (No. 21) and the Control of Prices Act (No. 33).

The former provides (s. 2) that manufacturing concerns which have started to carry on business in Saorstát Éireann must be in the beneficial ownership of Saorstát nationals or, if the concern is a company, half its capital must be owned by such nationals. A " Saorstát national " is a person who was either born in the area now comprised in Saorstát Éireann, or who is, and for not less than five consecutive years immediately preceding the relevant time has been, ordinarily resident therein. The Minister for Industry and Commerce is empowered to grant licences (called " new manufacture licences ") to persons other than Saorstát nationals and to alter or revoke such licences. Any act done in contravention of the provisions of the Act is made an offence for which the Minister can prosecute the offender, and once *prima facie* evidence of an offence is given, the onus is thrown on the defendant of proving that he comes within the Act. While the Act is of almost the widest possible scope, wheat milling, agriculture, and the processes of alteration or repair by a retailer of an article intended to be sold by him, are excluded from the Act.

The Control of Prices Act (No. 33), passed to deal with profiteering, establishes a Prices Commission and a Controller of Prices, who have power, at the request of the Minister for Industry and Commerce, to investigate the wholesale and retail prices of any " scheduled commodity " (defined in s. 3 as " every commodity which is used as food or drink by man, other than drugs or water, and every commodity which is used as clothing, material for clothing or fuel, and any other commodity declared by the Executive Council to be a 'scheduled commodity'"). After investigation the Commission may recommend a price reduction to the Minister, who may then fix a maximum wholesale or retail price (ss. 25, 26). Part IV deals with overcharging for commodities not the subject of price orders, and provides that, on a complaint of such overcharging being made, investigation may take place by the inspectors of the Commission, on whose report the Controller may serve notices on sellers requiring them to sell at a reasonable price, and on their refusal to do so the Controller himself may make a price order fixing a reasonable price (s. 36). Investigations may also be made into the costs of manufacture of patented and other protected commodities (*i.e.* commodities on the importation of which a customs duty is payable or the importation of which is prohibited or restricted). Part V enables the Minister to make orders requiring retailers to display a list, setting out the retail prices of any "scheduled commodity" to which the order applies (s. 39). S. 47 protects existing contracts from being affected by price orders. It is made an offence by the Act to sell any commodity for more than the prescribed maximum price.

Pensions.—The Old Age Pensions Act (No. 18) makes some changes in the statutory qualifications for pensions, the most important being that the applicant for a pension must now satisfy the pension authorities that he has been resident in the area now represented by Saorstát Éireann for thirty years, and in the case of a citizen that six of such years have been subsequent to his attaining the age of 50: in the case of non-citizens the requisite number of years being sixteen (s. 2). The age at which blind persons can obtain pensions is fixed at 30 (s. 6), and some minor alterations are made in the method of calculating the means of married couples. Existing pensions are not affected by the Act (s. 7).

The Pension Books (Prohibition of Alienation) Act (No. 1) provides that the buying, taking in exchange, or taking in pawn of any document the production or possession of which entitles any person to an old age pension, a blind pension, or a military service pension shall be an offence punishable by a fine not exceeding £20, or six months, or both. Any person having such a document in his possession, by virtue of such alienation, is bound to return it on demand (s. 4) under similar penalties.

The Army Pensions Act (No. 24) considerably extends the scope of the former Acts of 1923 and 1927, by including within the classes of persons entitled to pensions, members of the Irish Republican Army, the Irish Volunteers, the Irish Citizen Army, Fianna Éireann, the Hibernian Rifles and Cumann na mBan. Members of these organizations become entitled to pensions for wounds or disease contracted while engaged in service either for or against the government of the time. Pensions or gratuities may also be granted to the widows or dependents of persons killed while in such service, or of persons who died as a result of hunger strikes.

Road Transport.—The Road Transport Act (No. 2), although making few changes in the general law, is of considerable administrative importance. By s. 7 the carrying on of a passenger road service without a licence is prohibited, the penalty being a fine not exceeding £50. Persons desiring licences must apply to the Minister for Industry and Commerce, and are required to furnish him with such information as he may require. The Minister is given very wide powers in regard to the granting or refusing of licences, and the conditions to be attached thereto (especially in regard to the routes, frequency, number, type, fitness, cleanliness and appearance of vehicles, rates of wages and hours of duty of employees). Licences expire on every October 31, and must then be renewed to be effective. The Minister may refuse a renewal or revoke an existing licence. S. 21 enacts that the Minister, when considering an application for a licence or a renewal thereof, shall have regard to the extent to which the vehicles are manufactured or kept in repair in Saorstát Éireann. The maximum charges for carrying passengers may be prescribed by the Minister (s. 23), and the carriage of merchandise and mails by passenger road services is prohibited, except under special licence. Part III of the Act enables companies empowered by royal charter, statute, special statute, or statutory order, to carry passengers or merchandise for reward (otherwise than by road transport or by sea), to engage in road transport with certain consequential advantages. S. 2 of the Conveyance of Mails Act, 1893, is made applicable to such a company, as if it were a tramway company. An interesting provision contained in the Act is that passenger road services are exempted from liability under s. 1 of the Public Roads (Ireland) Act, 1911, for damage caused by excessive weight or extraordinary traffic.

Railways.—The Railways (Miscellaneous) Act (No. 3) empowers the Minister for Industry and Commerce to abolish or modify the statutory obligations imposed on railway companies to run specified train services (s. 6), and to authorize a company to cease to run trains on any particular line. By Part III of the Act, the number of directors of the Great Southern Railways Company is reduced to eight, s. 16 amends ss. 127 to 131 of the Lands Clauses Consolidation Act, 1845, by enabling a railway company to sell or lease superfluous lands, and railway companies are empowered to purchase their own debenture stock by virtue of s. 17.

Housing.—The Housing (Financial and Miscellaneous) Act (No. 19) extends the provisions of the Housing Act, 1931, by making further provision for the financial assistance of local authorities and other bodies in the erection and reconstruction of dwelling-houses. S. 5 provides for substantial increases in the grants in aid of housing which can be provided out of State funds, and the following section enables the Minister for Local Government and Public Health to make large contributions towards the annual loan charges of local authorities for housing, and in making grants the Minister may have regard to the rates of wages paid and the conditions of labour observed. Part III enables the Minister for Industry and Commerce to purchase, manufacture, store, transport and sell building materials, and the same Minister can place maximum limits on the prices at which building materials may be sold. If a local authority fails to exercise its powers under the Housing of the Working Classes or Labourers Acts, the Minister for Local Government can exercise such powers on its behalf (s. 18). Additional powers are also given to local authorities to acquire land compulsorily for the purpose of building.

Animals.—The Detained Animals (Compensation) Act (No. 9) provides for the payment out of the Slaughtered Animals (Compensation) Fund of compensation to live-stock owners whose animals are detained in British ports beyond the normal trading periods by reason of an outbreak of foot and mouth disease.

Eucharistic Congress.—The Eucharistic Congress (Miscellaneous Provisions) Act (No. 7) was passed to provide for the Congress which was held in Dublin in the month of June 1932. Its provisions are naturally of a temporary nature, such as the exemption from duty of motor omnibuses imported for use during the Congress, the regulation of traffic in the city, the granting of special exemption licences for the sale of intoxicating liquor, and the prohibition of the sale thereof between the hours of two o'clock and six o'clock on June 26, 1932. An interesting section is the thirteenth, which provides that the week of the Congress shall not be reckoned in the computation of the times appointed or allowed for the giving of any notice, or the taking of any step in any legal proceedings, and the periods of limitation which would, but for the Act, have expired during the week are extended up to and including June 30, 1932.

Therapeutic Substances.—Act No. 25 regulates the manufacture, import, and sale of medicinal preparations such as vaccines, sera, toxins and antigens, and substances such as salvarsan and insulin, which can in future only be manufactured under a " research licence " granted by the Minister for Local Government and Public Health. Licences must also be obtained for the importation of such substances, and provision is made for the control of the sale of proprietary medicines containing therapeutic substances, and the Minister may make regulations with respect to the labels attached to such medicines, and may require the date of manufacture to be stated thereon.

Merchant Shipping.—The Merchant Shipping (Helm Orders) Act (No. 32) simply implements Art. 41 of the International Convention for the Safety of Life at Sea, signed in London on May 31, 1929, by providing that the order to " port helm " shall mean to move the head of the ship to the left or " port " side, instead of to the right or " starboard," as formerly, the penalty for an offence being a fine not exceeding £50.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[*Contributed by* FREDERICK READ, ESQ., LL.B., *Staff Lecturer of the Manitoba Law School.*]

Acts passed—89 ; Public—57 ; Private—5 ; Divorce—27.

The Third Session of the Seventeenth Parliament began on February 4, 1932, and closed by Prorogation on May 26, 1932.

Boundaries.—The boundary line between Alberta and British Columbia, according to the recent joint survey by Dominion and Provincial Boundary Commissioners as set out in the Act, is declared by c. 5 to be the boundary line between the two Provinces.

Canadian National Railways.—Cc. 6, 15, 25 and 26 respectively authorize the issue and guarantee of securities to provide moneys to meet expenditures made and indebtedness incurred during the years 1931 and 1932 ; and c. 24 extends the time for the construction or completion of certain lines of railway in the Western Provinces, Nova Scotia and Ontario.

Crown Debts.—C. 18 allows the Minister of Finance in certain cases to retain the amount of any indebtedness of any corporation or person to the Crown by way of deduction or set off from any money which may be due or payable by His Majesty in the right of Canada to any such corporation or person.

Customs.—C. 41 amends the Customs Tariff in respect to complete parts for repairs of implements or machinery, wool, hides and skins.

Drugs.—By c. 20 the Opium and Narcotic Drug Act, 1929, is amended so that " drug " means any substance mentioned in the schedule to the amending Act whether or not the same be produced in whole or in part by a synthetic process, and whether it be alone or in conjunction with any other substance mentioned in the said schedule or which may be added to such schedule under the authority of the Act; and " opium " means crude opium, powdered opium and opium wholly or partially prepared for any use or purpose whatever its contents of morphine may be. A retail druggist may have in possession, sell or distribute preparations and remedies which do not contain more than two grains of opium or more than one-fourth of a grain of morphine, or any salt or derivative of them, or more than two grains of soft extract of *cannabis sativa* or its equivalent, in one fluid ounce, or, of a solid or semi-solid preparation, in one avoirdupois ounce, or liniments, ointments or other preparations which are prepared for external skin use only and do not contain cocaine or any of its salts or preparations, if any such remedy contains active medicinal drugs other than narcotic in sufficient proportion to confer upon the preparation or remedy valuable medicinal qualities, other than those possessed by the narcotic drugs alone. (The Act is to come into force on proclamation.)

Fisheries.—C. 42 amends and consolidates the Fisheries Act, and repeals the former Act as that Act appears in the R.S.C. 1927 (c. 73). C. 31 provides that the Fish Inspection Act shall apply to pickled herring, pickled alewives, pickled mackerel, and pickled salmon other than mild cured salmon, and the containers used or intended to be used for packing and marketing such fish. Containers used for packing fish must be made and marked by the maker in accordance with the regulations, and the containers must not be used, sold, bought or shipped unless they have been inspected and marked by an inspecting officer; but boxes for smoked herring and boxes for dry salted herring need not be inspected and marked until they have been packed and made ready for shipment. Fish which come under the provisions of the Act must be cured, graded and packed and the containers thereof marked by the packer in accordance with the regulations, and the fish must not be sold, bought or shipped unless they have been inspected and the containers thereof marked by an inspecting officer. In addition to the other requirements of s. 9 of the Fish Inspection Act, in respect to imported fish, the containers must have marked on them the name and address of the packer or the licence number of the packer.

Gold Export.—C. 33 empowers the Governor in Council to prohibit the export of gold, either in the form of coin or bullion, from Canada except in such cases as may be deemed desirable by the Minister of Finance and under licence to be issued by him, no such licence to be issued to other than a Canadian chartered bank.

Insurance.—C. 45 provides for the establishment, constitution and maintenance of a Department of the Government of Canada under the management and direction of the Minister of Finance to have the administration of the various Dominion statutes respecting insurance, loan and trust companies. C. 46 defines the status and powers of insurance companies incorporated by the Parliament of Canada and the late Province of Canada, provides for registration of such companies and of British insurance companies which may desire to carry on business in Canada and for the voluntary registration of provincial companies; and also a system of returns and inspection against insurance companies carrying on business in Canada while unable to discharge their liabilities to the policy-holders as they become due or while otherwise insolvent; and declares the conditions upon which such companies shall be deemed to be insolvent and be subject to be wound up. C. 47, respecting foreign companies carrying on business in Canada, was passed in view of certain sections of the Insurance Act, R.S.C. 1927, c. 101, having been declared to be unconstitutional, and to provide against certain irregularities of foreign companies; it provides a system of registration, deposit of securities, inspection and returns against foreign companies carrying on business in Canada while unable to discharge their liabilities to the policy-holders as they become due or while otherwise insolvent, and declares the conditions upon which such companies shall be deemed to be insolvent and be subject to be wound up.

Marriage and Divorce.—C. 10 amends the Marriage and Divorce Act by providing that a marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or is a daughter of a sister or brother of a deceased wife of the man; or because the man is a brother of a deceased husband of the woman, or is a son of a brother or sister of a deceased husband of the woman.

Patents.—Under c. 21, s. 22 of the Patent Act has been repealed and a new section enacted, whereby a new procedure is substituted in the case of two or more conflicting applications, empowering the Commissioner to decide as to the allowance of the several claims, unless within a time fixed by the Commissioner proceedings be commenced in the Exchequer Court for the determination of the respective applicants' claims. Former s. 37 is repealed and new provisions are enacted for the bringing of actions to avoid patents and obtain declarations of the Exchequer Court that a process or article does not constitute an infringement of any other patent. No patent or claim to a patent is to be declared invalid or void on the ground of a prior invention unless before the date of the application for the patent such other inventor had disclosed or used the invention in such manner that it had become available to the public or that before the issue of the patent such other inventor had made an application for a patent by virtue of which he is entitled to priority or upon which conflict proceedings should have been directed. No application for a patent on an invention for which a patent has already been granted under the Act will be granted unless the applicant commences an action to set aside the prior patent, so far as it covers the invention in question.

Radio.—C. 51 provides for the establishment, constitution and maintenance of the Canadian Radio Broadcasting Commission, with power to regulate and control broadcasting in Canada.

Relief Measures.—C. 36 provides a means to support and supplement the relief measures of the Provinces and grant them financial assistance to make special provisions in respect to special relief works in the national parks and certain areas of Saskatchewan.

Trade Agreements.—C. 34 approves the Trade Agreement between Canada and New Zealand, and declares the agreement to have the force of law in Canada.

Unfair Competition.—C. 38 provides measures for meeting unfair competition, particularly in reference to the misuse of trade-marks or trade-names, the making of false statements tending to discredit the wares of a competitor or adopting any other business practice contrary to honest industrial and commercial usage.

2. ALBERTA.[1]

Public—69; Local and Private—6.

Wheat Guarantee.—No. 7 validates the agreement between the Provinces of Alberta, Saskatchewan and Manitoba of the one part and the banks of the other part as to the liability of all and each of the Provinces to the banks in respect of the guarantees for advances made to Canadian Co-operative Wheat Producers Limited.

It is declared that the aggregate ultimate balance due from and payable by the Government of Alberta under and by virtue of the guarantees amounted as at September 13, 1931, to the sum of $5,536,707.49.

A supplementary measure is No. 8, respecting the settlement of the liability of the Alberta Wheat Pool and others to the Government amounting to $5,649,000.

Unemployment.—No. 10 provides for the confirmation of the Agreement dated September 9, 1931, between the Government of Canada and the Province as to unemployment relief. The agreement, which is set out at length in a schedule to the Act, arranges for municipal works and undertakings to be put in hand on the basis of the Dominion and the Province equally sharing the cost.

The Act has a further provision empowering the Lieutenant-Governor in Council to enter into similar agreements with the Government of Canada at any time before the next session of the Legislature and to provide for the payment of any expenditures incidental thereto; and further empowers the Government to enter into any agreements with municipalities, which are required by, or incidental to, that entered into between the Government of Canada and the Province.

A municipality is empowered to borrow against any contributory share payable under any agreement between the municipality and the Province.

Police.—No. 13 ratifies an agreement entered into between the two Governments on January 23, 1932.

From and after April 1, the Royal Canadian Mounted Police shall take over the policing of the Province; shall maintain a force of at least two hundred and twenty men; shall take over all officers and men from the Provincial Police who are in good standing and physically fit.

The Government of the Province of Alberta shall pay to the Dominion Government in each year the sum of $175,000 and an additional yearly sum of $50,000 as agreed on cost of transportation and maintenance of prisoners; all costs, fines and fees imposed in connexion with the administration of justice and the enforcement of all statutes and regulations shall be paid to the Government of the Province, excepting only such as are otherwise disposed of by the Criminal Code of Canada or any other Federal Statute.

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[1] Based upon the synopsis prepared by Mr. J. D. Hunt, the Clerk of the Executive Council.

Nos. 14 and 15 are consequential measures also dealing with the police.

Succession Duties.—No. 16 is a consolidating measure containing the law relating to succession duties. It incorporates some amendments mainly in the direction of increasing the duties.

Children.—By No. 23 the term "neglected child" has been extended and now includes any child who (*a*) being a female, or (*b*) being a male under the age of twelve, or (*c*) being a male over twelve and under fourteen without the written consent of his parents or guardian, is found peddling or selling newspapers, etc., for hire or reward in any street or public place at any time day or night.

The term "truant child" has been extended to include any child over seven and under fifteen who does not attend school regularly.

By No. 24 the Lieutenant-Governor in Council may appoint a judge or judges of the juvenile court.

Any police magistrate or any justice of the peace may act as a juvenile court judge in any specified case on the written request of the Attorney-General or of the Superintendent of Child Welfare.

Every city or town of five thousand population or over shall appoint and pay one or more persons to be probation officers for juvenile delinquents within the city or town, and notice of such appointment shall be forthwith given to the Superintendent of Child Welfare.

Game.—No. 27 is a consolidation Act containing the principal Act of 1922 and later amendments with recent additions.

All animals and birds within the Province which are wild by nature and in a state of nature are the property of the Crown in the right of the Province. No person shall hunt, trap, take, shoot at, wound or kill any such animal or bird while in such state, unless he is expressly authorized to do so by this Act or by licence or permit issued thereunder.

A resident farmer or rancher or any member of his household may hunt game birds without a licence, but such privilege is restricted to the land occupied by such person.

Any person may without a licence hunt wolves (timber and prairie), cougars, wolverines, skunks, badgers, weasels, rabbits and any other animals which the Lieutenant-Governor in Council may from time to time designate.

No person shall hunt big game unless he is clothed in a coat and cap of scarlet material.

Provision is made that a person discharging a firearm inadvertently or otherwise at another person while hunting big game may be disqualified from holding a game licence.

Evidence of sex shall not be removed from big game animals until the transportation of the carcass has been completed.

Fur farmers are not restricted as to the method of catching their own musk rats or beavers.

No person shall act as a guide to another in hunting big game or any fur-producing animals unless such person is the holder of a guide's licence.

Every non-resident hunting big game shall be accompanied by a licensed guide or by a resident of the Province.

No person having a retriever, setter, pointer or any other dog used for hunting game birds shall allow such dog to run at large between May 1 and August 1, unless authorized in compliance with regulations.

Any person who resides north of township 69 and not within the corporate boundaries of any city, town or village, is entitled to take big game, if necessary, for food for himself and family at any time of the year without a licence.

The Lieutenant-Governor in Council is given power to make regulations limiting a licence to any specified area and specified time or both; fixing maximum bag limits per day or other period; granting trappers' licences, the leasing of trap lines, and for the branding of animals on game or fur farms.

Forest and fire rangers are made ex-officio game guardians.

Shacks and shelters have been added to the list of places which a game guardian may search without a warrant.

The person in possession of skins or pelts of fur-bearing animals is made liable for the payment of the tax.

Provision is made for the sale of pelts to secure the tax.

The registered owner of a mark or brand is entitled to the possession of the animal or bird so marked.

Noxious Weeds.—Another consolidating measure is No. 29, which contains the principal Act of 1929 with amendments.

Noxious weeds are placed in two classes A and B, and the Lieutenant-Governor in Council is given power to add to either class or to change a weed from one class to another and to declare a weed to be a noxious weed anywhere in the Province, or in any specified part or parts thereof.

Regulations made shall be effective upon publication in the *Alberta Gazette*.

Every inspector appointed by a municipality, before entering upon his duties, shall take a prescribed declaration before a justice of the peace or the mayor or reeve of the municipality; each such declaration shall be filed with the Secretary-Treasurer within eight days.

Every inspector found guilty of neglect of duty shall be liable on summary conviction to a penalty of not more than $25 and costs.

No member of a council of a municipality shall act as an inspector in such municipality.

Fodder Relief.—Any person actively engaged in farming who is the owner of work horses, dairy cattle, poultry and swine and who cannot obtain fodder to feed same up to the end of May, 1932, may apply to the Department of Agriculture for relief.

Upon granting assistance the Minister of Agriculture shall file a notice of lien, giving a first charge upon all the live stock furnished with fodder and all increases of same and of live stock subsequently acquired by the borrower.

The Act (No. 30) contains the usual provisions for enforcement of payment of advances and makes it an offence for any person obtaining fodder to dispose of it otherwise than for feeding his own live stock, without the consent of the Minister.

The Act came into force on April 6, 1932, and was deemed to have been in force at all times from and after September 1, 1931.

Entertainment Tax.—The definition of "place of amusement" is made by No. 47 to include cabarets and similar places where public dancing is carried on.

The power of the Provincial Secretary to exempt from the tax is restricted to cases where at least one-half of the gross receipts are to be devoted to charitable, religious or patriotic purposes and greater power as to total or partial exemptions is given to the Lieutenant-Governor in Council.

The Minister is empowered to appoint inspectors, and such are given adequate powers to carry out their duties.

Provision is made for the allowance of a special commission upon the tax collected in respect of a pari-mutuel operated at an agricultural fair.

A new schedule of rates has been provided in the Act.

3. BRITISH COLUMBIA.

Acts passed—69; Public—62; Private—7.

Bills of Sale.—Heretofore the general provision was that chattel mortgages and bills of sale should be registered in the County Court Registry of the district in which the chattels were situate. Owing to their mobility under their own power and their general use, motor-vehicles are frequently moved from one district to another, and it became difficult to ascertain with certainty which one of the twenty or more registration offices in the Province should be searched respecting the title of any certain motor-vehicle. Uncertainty and fraud often resulted. As a remedy for this, an amendment to the Bills of Sale Act was enacted (c. 3) requiring the registration of chattel mortgages and bills of sale of motor-vehicles to be centralized in the office of the Commissioner of Provincial Police, from whose office all licences for the operation of motor-vehicles in the Province are issued. A similar amendment to the Conditional Sales Act was also enacted (c. 7). As the motor-vehicle files in the Commissioner's office are indexed for facility of reference under both the names of the registered owners and the engine numbers of the motor-vehicles, it is thus possible by a system of cross-references to have all the official information respecting the title to any motor-vehicle in the Province readily available.

Elections.—By an amendment to the Provincial Elections Act (c. 10) provision is made for the holding of a Court of Revision monthly for the revision of voters' lists in each electoral district. Applicants for registration may apply by written applications duly filed with the Registrar of Voters in advance of the holding of the Court of Revision, or by attending in person at the Court of Revision. In this way a recently revised list of voters is always available, not only for use in elections, but also in the preparation of jury lists and for other administrative purposes.

Evidence.—An amendment to the Evidence Act (c. 11) provides for judicial notice being taken of all Acts and Ordinances of the Legislature or other legislative body or authority of any dominion, empire, commonwealth, state, province, colony, territory, possession, or protectorate of His Majesty. New provisions are also made respecting the proof of Acts and state documents generally, extending not only to those of Canada and the United Kingdom, but also to those of a British possession or foreign state. Generally speaking, the method of proof is by the production of a copy printed by the government printer or contained in the official gazette of the country in question, or a copy certified by the head or deputy head of a government department or by the custodian of the original document or public records, or by way of exemplification under the state seal.

Insurance.—Part VII of the Insurance Act, which contains special provisions relating to automobile insurance, is re-enacted (c. 20) along the lines of a draft Automobile Insurance Act prepared by the Conference of the Superintendents of Insurance of the several Provinces of Canada and designed for uniform adoption by all the Provinces. The principal changes are those designed to bring into effect a system of financial-responsibility legislation for the protection of the general public where damage is caused by the operation of motor-vehicles. This is accomplished by the enactment of further statutory provisions (referred to later under the heading Motor-vehicles) which compel drivers of motor-vehicles who are shown to be habitually careless or financially irresponsible to furnish security for the protection of injured persons, either by a deposit of cash or securities or by an approved policy of insurance. In order that an automobile insurance policy may afford the same protection as a deposit of cash, the amendments give direct rights to injured third parties, enabling them to recover against the insurance company notwithstanding the absence of any privity of contract. The standard policy of automobile insurance contains a number of statutory conditions the violation of which avoids the policy as between the insured driver and the insurance company and constitutes a good defence to any action thereon. In the interests of the absolute financial responsibility of all insured drivers, the amendments sweep away these defences as between the injured third party and the insurance company. In this way the liability of insurance companies to injured third parties is made absolute, and the victims of motor-vehicle accidents caused by the negligence of insured motorists are protected.

Mines, Petroleum and Natural Gas.—By an amendment to the Coal and Petroleum Act (c. 31) the acquisition of petroleum and natural gas rights is no longer possible under that Act, but is to be governed by a new Act (c. 32) to be known as the Petroleum and Natural Gas Act. This new Act contains numerous new provisions in the public interest governing the acquisition from the Crown and the development, operation and cancellation of petroleum and natural gas rights.

Placer Mines.—As a means of affording some relief during the prevailing period of financial and industrial depression, an amendment to the Placer-mining Act (c. 33) provides for the reinstatement of certain placer-mining leases which become forfeited through misfortune, accident or other unforeseen circumstances. A new Act (Provisional Free Miners' Certificates (Placer) Act, c. 34) makes temporary provision whereby miners may prospect and record placer claims without the payment of the usual fees.

Mortgagors' and Purchasers' Relief.—A measure of relief in the nature of moratorium legislation was enacted (c. 35) by which proceedings by way of foreclosure, forfeiture, execution or otherwise to recover principal moneys charged on land are prohibited, except by leave of a judge and on such terms as he may think proper.

Motor-vehicles.—An amendment to the Motor-vehicle Act (c. 37) enacts a number of new sections, which in connexion with the new provisions respecting automobile insurance already mentioned embody a scheme of legislation respecting the financial responsibility of the owners and drivers of motor-vehicles. Under the Motor-vehicle Act a person is prohibited from driving a motor-vehicle on a highway unless he holds a driver's licence. The new provisions require the suspension of a driver's licence if the licensee fails to satisfy any judgment against him for damages occasioned to person or property in excess of $100, or if he is convicted of driving to the common danger or of certain other offences in connexion with the operation of a motor-vehicle. After suspension of his licence the licensee is prohibited from driving or operating a motor-vehicle until he furnishes to the Commissioner of Provincial Police proof of financial responsibility in certain fixed amounts, either by the deposit of cash or securities or by the certificate of an insurance company showing that a policy of automobile insurance is in force sufficient for the purpose. Provision is made so that no deposit or policy can be cancelled or terminated until after ten days' notice to the Commissioner. The Commissioner may require further security at any time, and in default may again suspend the licence until the required security is given. The deposit or policy of a licensee is made available for the protection of persons sustaining damage through the operation of a motor-vehicle by him. In this way careless and irresponsible drivers are either put off the highway or compelled to furnish proof of financial responsibility pursuant to the Act.

Income-tax.—A revision of the provisions as to taxation of incomes formerly contained in the Provincial Taxation Act is made by taking the matter out of that Act and placing it in a separate enactment (c. 53) known as the Income-tax Act. This Act is administered by a Commissioner under the supervision of the Minister of Finance.

Unemployment Relief.—Provision is made for continuing the efforts for the relief of the unemployed, either by the execution of public works or by direct relief, and for the Government of the Province and the municipal councils to join with the Government of Canada in contributing funds for the expenditures incurred for that purpose.

4. MANITOBA.

[*Contributed by* J. C. COLLINSON, ESQ., K.C., *Legislative Counsel.*]

At the late session of the Legislature 117 Bills were introduced and 99 were passed, of which 10 were private Acts and 33 related to municipal matters. Two of the Bills are a part of the consolidation, the Companies' Act and the Manitoba Insurance Act ; and both are to be brought into force on proclamation.

Companies.—C. 5 is divided into fifteen parts, the first nine dealing with incorporation by letters patent, the next two parts with incorporation by special Act, and the further parts respectively with provincial corporations, voluntary winding-up, foreign corporations and corporations generally doing business in the Province.

Joint stock companies, non-gain corporations, co-operative corporations, mutual insurance companies, friendly societies and investment and building societies may be incorporated by letters patent. The procedure for incorporation is simplified, the letters are issued by the Provincial Secretary on application. The Act recognizes that letters patent corporations have the capacity of a natural person ; the proposed object of the corporation is, however, given by the letters patent and ancillary purposes are defined in a schedule to the Act. For carrying on a business beyond those permitted, the charter may be revoked.

Some changes in joint stock company law are : the filing of a prospectus where the company proposes to offer shares or debentures to the public, or in the case of mining companies, when it is proposed to sell shares at a discount or pay a commission ; the Canadian clauses respecting non-par value shares are enacted ; the sale of script or stock endorsed in blank on the market is protected ; issuing of share warrants is permitted ; creditors' claims may be filed and disposed of on an application for a decrease of capital ; amalgamations and reorganizations are provided for more comprehensively ; minutes of meetings are required and minute books given evidential value ; audits of accounts and balance-sheets are particularly dealt with ; machinery is given for distributing the assets of a company ; and revised provisions respecting the surrender or revocation of its charter and the dissolution of the company.

Corporations without gain for their object and without capital stock may be incorporated under Part V. Co-operative associations are now to be incorporated by letters patent issued by the Provincial Secretary. The provisions respecting charitable associations and friendly societies under Part VIII have been extended.

Part X furnishes company clauses for any joint stock company incorporated by special Act so that only departures from the clauses provided are necessary in its enacting charter. Loan companies and trust companies are covered in the next part and a model Bill for incorporation is contained in a schedule. Their powers are set out and limitations on their right to do business similar to those contained in other jurisdictions are enacted.

Foreign corporations require to be licensed as under existing law, but Dominion companies are not included but are treated throughout the Act as domestic corporations.

The final chapter relates to information respecting companies. Every corporation doing business in the Province must be registered ; if it goes to the public with a stock or debenture issue it must file a prospectus ; if it gives a floating charge on its assets in the Province it must file its charge with the Provincial Secretary, and lastly, it must make an annual return. The Provincial Secretary is required to furnish searches and certificates of filings in his office. Every existing company must be registered before the date of filing its next annual return ; if it does so before the end of the year the fee is nominal, $1. The establishing and keeping of this register has become a matter of necessity for public convenience and for company administration.

Insurance.—C. 20 brings together all statutory insurance law and repeals six statutes. The standard and uniform Acts relating to fire, life, accident and sickness, reciprocal and automobile insurance appear each as a part of the Act. The provisions relating to mutuals within the Province is another part ; the standard provisions relating to fraternals, new to us, appear as another and the hail insurance policy provisions as another part.

The duties and powers of the superintendent are set out in Part I, the licensing and deposit provisions and those requiring special returns by insurers appear in Part II and the provisions as to insurance contracts under Part III. Agents, brokers and adjusters are regulated under Part XV and reinsurance and amalgamation under the last part.

The material changes in the law appear in the licensing and regulation of fraternal and mutual benefit societies, including assessment clubs hereafter incorporated, the licensing and regulation of insurance adjusters, the adoption of the new uniform insurance interpretation clauses and the new automobile insurance part.

The provisions respecting motor-vehicle liability policies which formerly appeared in the Highway Traffic Act now appear in Part VIII in a revised form. The indemnity provided by a policy enures to the benefit of the third party injured who may recover his damages from the insurer. Gratuitous passengers are not so protected, and if indemnity is provided for damage to them it must be by endorsement on the policy.

Debt Adjustment.—Another important piece of legislation is the Debt Adjustment Act (c. 8). It provides a suspension of remedies against a certain class of debtor mentioned in the Act so that proceedings may not be taken against those debtors with respect to that portion of their property protected by the Act unless the creditor secures from the Debt Adjustment Commissioner a certificate to take his action.

The persons specially protected by the Act and called " residents " are: (*a*) *bona fide* farmers actually farming land; (*b*) retired farmers living in the Province who have leased or sold their lands under agreement for sale or under mortgage; (*c*) home owners, not farmers; and (*d*) in case of death their legal personal representative, child, widow or widower.

The property of persons protected are the farm land and the chattels thereon or used therewith and the produce therefrom, and in the case of a home owner, his home property.

The Act only relates to debts which originally arose prior to April 1, 1931, but protects all subsequent transactions arising out of those original debts, even though covered by renewal or other agreements subsequent to that date.

In case an application is made to the Commissioner either by a debtor or by a creditor who may apply for a certificate, it is the duty of the Commissioner to call in the debtor and all his creditors and try to make an amicable adjustment, extension or compromise of the debts of the debtor. An informal agreement is binding. The Commissioner has power to require a debtor to make future provision for his creditors' claims, or in case of home owners, to pay a periodic rent. Generally the discretion of the Commissioner is absolute. There is, however, an appeal to a county court judge.

The appeal may be brought either by the debtor or any creditor within fifteen days of the decision of the Commissioner. The judge may review the Commissioner's decision and may alter it, and his judgment is final.

By an amendment to the Surrogate Courts Act, all the county court judges of the eastern judicial district become judges of the surrogate court. The remuneration of the judges is reduced to $1,200. Provision is made for using a certified copy of a foreign grant for resealing purposes. The official administrator must act automatically and accept service of process where a deceased person's estate is without a representative. There is payable to him on the first service in the proceedings a fee of $30.

Highway Traffic.—The principal Act is amended by c. 16, requiring owners of trucks for delivery of merchandise to obtain a permit from the department unless they are being operated on behalf of the Government or other public body, or in Greater Winnipeg, or in a city, town or village, or within six miles of its borders. A municipality is given power to regulate automobiles let for hire or gain. In the case of taxicabs within the Greater Winnipeg area power is given the Lieutenant-Governor in Council to take away the licensing and regulating power if it is not exercised by the municipalities, and to confer it upon the Public Utilities Commissioner.

Second-hand car dealers are forbidden to bring in second-hand cars from another province. The penalty respecting a person driving without a licence is reduced, those respecting driving with defective lights and brakes are increased, and those respecting driving while intoxicated repealed, as they are covered by the Code. Power is given a magistrate to extend time of service of a summons.

Builders and Workmen.—The principal Act is amended by c. 2 to provide that contract moneys paid by a proprietor to a builder or sub-contractor are trust moneys in the hands of such payee for the benefit of all persons who perform work or supply material on a building as well as for payment of dues under the Workmen's Compensation Act.

Hospital Aid.—C. 17 limits the liability of a municipality for the account of a public ward patient in a hospital to those patients admitted on the authority of the local medical health officer, or in case of emergency on the special certificate of the medical superintendent of the hospital or the attending physician. Provision is also made for the examination of the patient by the local health officer, who may order his removal.

Law Society.—With a view of controlling debt collecting agencies an amendment (c. 22) was made to the Law Society Act, providing that no person may write a letter threatening legal proceedings against a debtor except a duly qualified attorney or solicitor, and that no person may use any document calculated to lead to the belief that the same is a court process. Provision is also made permitting the recovery of costs by the Crown or a municipality if allowed in any action, although its solicitor be paid a salary.

Mercantile Law.—By an amendment (c. 27) to the Mercantile Law Amendment Act the provisions of the Money-Lender's Act (Dominion) limiting the rate of interest on loans under $500 to 12 per cent. is given a wider application. The court may reopen closed transactions and a debtor may himself apply for relief to the county court, although no action has been taken against him.

Mortgage.—The principal Act is amended by c. 29 to permit a vendor or mortgagee to advance seed grain and take the note of a farmer. Upon filing it with the county court clerk it takes effect as a seed grain chattel mortgage.

Milk.—Power to regulate the production, sale and distribution of milk is given the Public Utility Commissioner by an amendment (c. 30) to the Municipal and Public Utility Board Act.

Payment of Debts.—With the object of permitting an insolvent debtor who may be indebted on a number of accounts within the jurisdiction of the county court, the Orderly Payments of Debts Act (c. 34) provides machinery for confessing judgment. The debtor is permitted to make an application to the county court clerk giving a statement of his property, debts and dependents, and an order may be made against him for the payment of such sum in periodical payments, or otherwise, as his circumstances permit, to be applied on creditor's claims. In case of dispute there may be a rehearing by the court. Such an order has effect as an order on return of a judgment summons. As long as no default is made by the debtor, proceedings against him are stayed. The moneys paid in are distributed *pro rata* amongst the creditors as often as once every three months.

In cases where the creditor holds security or there has been a conditional sale of the chattel, the creditor has a right to rely on his security or retake the chattel at any time upon placing a value thereon and giving credit therefor on his debt, and in case of dispute the court may settle the value. The costs of proceedings under the Act, unless the court is called upon to try some issue, are nominal.

Taxation.—By the Special Revenue Tax Act (c. 49) an amendment is made to five taxing Acts, namely: the Income-tax Act, the Corporations Taxation Act, the Amusements Act, the Succession Duty Act and the Gasolene Tax Act.

The amendments to the Income-tax Act provide for a reduction of the exemptions with respect to persons to $1,500 for a married person or householder and $750 for a single person. The exemption respecting children and dependents remains unchanged at $500. There is a surtax of 5 per cent. on the tax payable by persons with an income in excess of $5,000. The discount formerly allowed on payment of the tax is now repealed and an additional tax of 1 per cent. is added to the rates of taxation in the schedule in respect of the incomes of single persons in excess of $1,200.

The amendment to the Corporations Taxation Act provides for an increase of tax on insurers from 3 to 5 per cent. on their gross premium income, and the tax on banks has been materially increased.

Likewise the tax on gasolene has been raised from 5 to 7 cents per gallon, while the rebates allowed to agriculturists and industrialists remain at 5 cents.

On amusements a new scale of rates is provided not materially different from that formerly existing, but the exemptions have been reduced.

The surtax of 15 per cent. on all duties under the Succession Duty Act is to be levied and added and collected with the duties.

Municipal Tax Arrears Consolidation.—C. 65 provides that by by-law of the municipality, tax arrears accumulated to December 31, 1931, either on the tax roll or represented by tax sale certificates held by the municipality, may be consolidated and made payable over a period of six years, 10 per cent. in 1932, 10 per cent. in 1933, 20 per cent. in 1934, 20 per cent. in 1935, 20 per cent. in 1936, and 30 per cent. in 1937, the instalments bearing interest at 7 per cent. from December 31, 1931. Municipalities are empowered, subject to the approval of the Municipal Commissioner, by by-law to remit the whole or any portion of the penalties, interests and costs accrued to December 31, 1931, or the whole or any portion of the interest provided to be paid on the instalments where taxes have been consolidated.

5. NEW BRUNSWICK.

[*Contributed by* H. LESTER SMITH, ESQ., *Clerk of the Executive Council.*]

Acts passed—97; Public—38; Private—59.

Police.—C. 12 provides for the transfer of the duties of the New Brunswick Provincial Police to the Royal Canadian Mounted Police, by virtue of which the New Brunswick Force was disbanded, and an agreement entered into with the Federal Government for the policing of the Province by the Royal Canadian Mounted Police.

Succession Duties.—C. 14 is an amendment to the Succession Duty Act, which provides for a surtax of 10 per cent. on the amount of duty payable under the Act, but makes an important change in exemptions, viz.: any property taken as a *donatio mortis causa* or taken under a disposition operating or purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust or otherwise, which shall have been *bona fide* made five years or more before the death of the deceased.

Motor Vehicles.—C. 19 repeals Part II of the Motor Vehicle Act and enacts a new Part II dealing with financial responsibility of owners and drivers. Under the Act, the driver's licence and owner's permit of any person convicted of certain offences shall be forthwith suspended and will not be renewed until proof of financial responsibility has been furnished. Such proof of financial responsibility may also be required before issue of a permit or licence to any person under 21 years or over 65 years of age.

Workmen's Compensation Act.—C. 36 is an Act to amend and consolidate the Workmen's Compensation Act, the more important new provisions being those regarding rehabilitation and merit rating.

By s. 40, which is new, the Board is empowered to expend a sum not exceeding $15,000 in any one year, to aid in getting injured workmen back to work and to assist in lessening or removing any handicap resulting from their injuries. The Board is also authorized, if deemed proper, to adopt a system of merit rating whereby the various industries may be encouraged to take measures to prevent accidents, either by way of educating their employees or installing safety devices.

6. NOVA SCOTIA.

[*Contributed by* F. F. MATHERS, ESQ., K.C., *Deputy Attorney-General.*]

Acts passed—146; Public—51; Local—67; Private—28.

Department of Labour.—An Act to provide for a Department of Labour (c. 3) creates a Department of Labour to be presided over by a Minister of Labour.

Automobile Insurance.—Provision is made in the Automobile Insurance Act (c. 5) with regard to the terms and provisions, etc., of policies of insurance in the case of "automobile insurance" which is defined as insurance against liability for loss or damage to persons or property caused by an automobile, or the use or operation thereof, or against loss of or damage to an automobile.

Motor Vehicles.—The Motor Vehicle Act (c. 6) is a comprehensive consolidation and amendment of the statutes relating to the registration and operation of motor-vehicles.

Miners Land Settlement.—An Act to assist in the settlement of vacant and other unoperated farms and to relieve the unemployment situation in the coal-mining districts of the Province (c. 8) authorizes the appointment of a Board to be called the Nova Scotia Miners Land Settlement Board. The Board is given authority to acquire farms and agricultural lands and to sell the same to persons who have been employees of the coal industry of the Province, the selling price to be not greater than the purchase price of the property and the agreement for sale not to be for a longer term than fifteen years where the agreement for sale is for a sum of $1,000 or less, nor for a longer term than twenty-five years where the agreement for sale is for a sum more than $1,000 or less than $1,500, nor for a longer term than thirty-two years where the agreement for sale is for a sum of $1,500 to $2,000, the purchase price to be paid in equal consecutive instalments, the first payment to be made two years from the date of the agreement for sale. No agreement is to be for a larger sum than $2,000.

Encouragement of Seed-growing.—The Governor in Council is authorized by the Seed-growing Act (c. 10) to proclaim areas as special areas for the purpose of encouraging the growing of pure seed of any farm or garden crops, and the growing within any such area of an open-pollinated seed crop of a variety other than that for which the area is proclaimed is prohibited.

Credit Unions.—A co-operative credit society may be organized under the provisions of " An Act to Provide for the Organization of Co-operative Savings and Credit Societies termed ' Credit Unions ' " (c. 11) for the twofold purpose of promoting thrift among its members and creating a source of credit for its members at legitimate rates of interest for provident and productive purposes. Under this Act a credit union may receive the savings of its members either as payment on shares or as deposits, and make loans to members exclusively for provident and productive purposes.

Architects.—The Nova Scotia Architects Act (c. 15) incorporates the Nova Scotia Association of Architects and prohibits the practising as architects by persons who are not members of the Association.

Summary Conviction.—Where an offence punishable on summary conviction is committed in or upon any water, whether tidal or otherwise, or on the boundary of two or more magisterial jurisdictions, or within five hundred yards from any such boundary, or in or upon any vehicle employed in a journey, and in other like cases, provision is made by an Act to amend c. 224 Revised Statutes, 1923, the Nova Scotia Summary Convictions Act (c. 44), with regard to the magistrate who may exercise jurisdiction. It is further enacted in effect that it shall not be a valid objection to an information, complaint, summons, warrant, conviction or other proceeding or process, that it does not show on its face that the justice who took, made or issued the same had jurisdiction, or that it has not been given in evidence that the locality where the offence charged was committed was within the limits of the territorial jurisdiction of the justice, provided always that it is proven by affidavit or otherwise to the satisfaction of the court or a judge before whom the question is raised that such justice had in fact jurisdiction, or that the locality where the offence was committed was in fact within the limits of such territorial jurisdiction as the case may be.

7. ONTARIO.

[*Contributed by* JOHN J. ROBINETTE, ESQ., *Editor of the Ontario Law Reports, and Lecturer of the Osgoode Hall Law School, Toronto.*]

Acts passed—113 ; Public—53 ; Private—60.

The third session of the eighteenth legislature of Ontario began on February 10, and ended on March 29, 1932.

Co-operative Associations.—By the Co-operative Marketing Loan Act (c. 16) the Lieutenant-Governor in Council is empowered to make loans to agricultural co-operative marketing associations to assist them in carrying out their objects. Such loans are to be secured by first mortgages on the real and personal property of the co-operative associations.

Operating Engineers.—The Operating Engineers Act (c. 23) provides that every person who operates a steam or refrigerator or air compressor or traction or portable plant as the engineer in charge thereof, or as fireman or oiler at a stationary steam or refrigerating plant under an engineer, without the qualification certificate required by the Act shall incur a penalty not exceeding $50 and not less than $25. The Lieutenant-Governor in Council is empowered to create a board of examiners and to prescribe regulations as to the examination of candidates for such certificates, the granting of certificates and the prescribing of causes for which a certificate may be revoked or suspended.

Automobile Insurance.—The (Automobile) Insurance Act (c. 25) repeals Part VI of the Insurance Act, 1927, and enacts new provisions as to the form, etc., of automobile insurance policies. The Act prescribes the form and contents of written applications for such policies and also the form and contents of the policies themselves, and sets out the statutory conditions which shall be deemed to be part of every contract of automobile insurance. No variation or omission of a statutory condition is valid, nor is anything contained in any addition to a statutory condition or in the description of the subject-matter of the insurance effective, in so far as it is inconsistent with, varies or avoids any such condition. The statutory conditions deal with such matters as material change in risk, prohibited uses of the automobile, notice of accidents, appraisal of damage, waiver, limitation of actions, cancellation of policy, etc. Under the Act the form of a policy proposed to be issued by an insurer must first be approved by the Superintendent of Insurance for the Province.

The Act provides that every owner's policy shall insure the person named therein, and every other person who, with his consent, uses his automobile, against the liability imposed by law upon the insured or such other person for loss or damage arising from the ownership or use of the automobile and resulting from bodily injury to or death of any person and for damage to property. The Act also provides that any person insured but not named in a policy may recover indemnity in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.[1]

The Act also provides that an insurer shall not be liable under a policy for loss or damage resulting from bodily injury to or the death of any person insured by the policy, or the children, wife or husband of any such person. Nor shall an insurer, unless an additional stated premium is paid, be liable for any loss or damage resulting from bodily injury to or the death of a guest being carried in the automobile. Every policy must insure, in case of bodily injury or death, to the limit of at least $5,000 for bodily injury to or the death of any one person, and, subject to such limit, to the limit of at least $10,000 for bodily injury to or death of two or more persons in any one accident, or, in the case of property damage, to the limit of at least $1,000 for damages to property resulting from any one accident.[1]

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[1] The object of this provision is to meet the difficulties existing at common law in the way of a person who is not a party to the contract of insurance recovering thereon. These difficulties were discussed by the Privy Council in *Vandepitte* v. *Preferred Accident Ins. Corp. of New York*, [1933] A.C. 70.

The Act also contains an important provision which enables any person having a claim against an insured, for which indemnity is provided by a motor-vehicle liability policy, upon recovering judgment therefor against the insured, to have the insurance money payable under the policy applied in satisfaction of his judgment and to maintain an action against the insurer to have the insurance money so applied. Moreover, no creditor of the insured shall be entitled to share in the insurance money payable under such policy in respect of any claim for which indemnity is not provided by the policy.[2]

Municipal Board.—The Ontario Municipal Board Act (c. 27) continues in existence the Ontario Railway and Municipal Board under the name of the Ontario Municipal Board and defines its constitution and prescribes its jurisdiction and powers. The Board is composed of three members to be appointed by the Lieutenant-Governor in Council. There is no requirement that the members of the Board be lawyers. Broadly speaking, the purpose of the Board is that it shall curb erratic actions of municipalities and insure some continuity of municipal policy and generally act as a " kind of upper chamber " to the elected municipal councils.[3] More specifically the Board has power to prescribe and regulate systems of municipal accounting and auditing, to collect statistics and to study and report on municipal institutions and, in the case of a municipality which has defaulted in its bonds or debentures, to appoint a committee of supervisors for the municipality, which committee has powers under the Act as to the appointment and dismissal of servants of the municipality, the collection of revenues, the modes of assessment, the levying and collection of taxes and generally with respect to any other matter in any way affecting or pertaining to the affairs of the defaulting municipality. Moreover, under the Municipal Act by-laws of municipal councils relating to certain matters, such as the issuing of debentures or the restriction of types of buildings which can be erected by property owners, cannot come into force until approved by the Board ; and under the Assessment Act an appeal lies in certain cases to the Board from the valuations of property for assessment purposes made by the assessors of the municipalities.

The Board is given by the Act all the powers of a court of record, and it has authority to hear and determine all questions of law and fact, and it has all the powers vested in the Supreme Court of Ontario with respect to the attendance and examination of witnesses, production of documents and enforcement of its orders. However, grave doubts have arisen as to the constitutional position of the present Board, the members of which, pursuant to the provisions of the Act, have been appointed by the Lieutenant-Governor of Ontario in Council. Under the British North America Act (1867), although the legislature of the Province has the power to legislate as to the administration of justice in the Province, including the constitution, organization and maintenance of the courts (s. 92 (14)), the judges of the superior, district and county courts are to be appointed by the Governor-General of the Dominion (s. 96). It has been suggested that the Ontario Municipal Board, in some phases of its jurisdiction at least, is in reality exercising the powers of a superior court and that therefore the members of the Board can be competently appointed only by the Governor-General of Canada and not by the Lieutenant-Governor of Ontario.[1]

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[1] This is in conformity with the provisions of the Highway Traffic Amendment Act, dealing with the financial responsibility of owners and drivers of motor-vehicles, discussed in *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. ii, p. 56.

[2] A similar provision has been added to the Dominion Bankruptcy Act, R.S.C. 1927, c. 11, by (1931), 21 & 22 Geo. V, c. 17. The object of these provisions is to ensure that the injured person will obtain the benefit of the proceeds of the insurance policy held by the insured and that such proceeds shall not be regarded as an asset of the insured distributable among all his creditors. These provisions effect a result different from that reached by the English Court of Appeal in *In re Harrington Motor Co.*, [1928] 1 Ch. 105, where it was held, in the absence of statutory provisions, that the proceeds of a third party risk policy were distributable among all the creditors of the insured.

[3] See *Worthington* v. *The Village of Forest Hill*, [1934] O.R. 17.

Employees' Protection.—The Factory, Shop and Office Building Act (c. 35) repeals previous Acts of the same title and prescribes detailed rules as to the following topics—the appointment of inspectors to enforce the rules and regulations; the employment of children; hours of employment; sanitary conveniences; guarding of machinery; boiler inspection; safety of elevators and hoists; fire prevention and protection. Penalties are provided in respect to the violation of the statutory rules or of the regulations passed by the Lieutenant-Governor in Council under the provisions of the Act.

Mortgagors' Relief.—The Mortgagors' and Purchasers' Relief Act (c. 49) is designed to afford a measure of relief to mortgagors and instalment purchasers of land during the world-wide economic depression. The Act is similar in effect to an Act bearing the same title in force in Ontario during the Great War. The Act provides that no person shall take any proceedings by way of foreclosure or otherwise for the recovery of principal money secured by a mortgage of land without the leave of the Supreme Court of Ontario. If, however, interest, municipal taxes or insurance premiums are in default, the right of the mortgagee to his usual remedies is not interfered with; in other words, provided the mortgagor pays the interest, taxes and insurance premiums, the mortgagee cannot call in the principal sum secured by the land mortgage without the leave of the court. Similarly, under the Act, no person can take advantage of the forfeiture of any land or money under the terms of a contract for sale and purchase of land without the leave of the court. On an application by a mortgagee or vendor for leave to pursue his ordinary remedies, the judge hearing the application may, in his absolute discretion, refuse to permit the exercise of any right or remedy, or may stay such exercise for such time and subject to such conditions as he thinks fit. The Act does not apply to mortgages made or renewed after the date of the passing of the Act, nor does the Act apply to mortgages made for the purpose of securing the bonds or debentures of any corporation.

It should be observed, in this connexion, that the legislative power to relieve borrowers of money from the burdens imposed on them during the depression by the drastic decline in the commodity price level and the correlative rise in the value of money is divided between the Dominion Parliament and the Provincial Legislatures. Generally, the Provincial Legislatures have the power by virtue of s. 92 (13) of the British North America Act (1867) to modify the terms of, and remedies under contracts. However, this general power of the Provincial Legislatures is subject to the exclusive power of the Dominion Parliament to legislate as to

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[1] See *Sweney* v. *The Department of Highways*, [1933] O.W.N. 783.

"interest" (s. 91 (19) of the B.N.A. Act) and as to "currency and coinage" (s. 91 (14) of the B.N.A. Act). Thus the Dominion Parliament only has the power to modify by legislation the rate of interest payable under a contract, and any legislation designed to meliorate the position of debtors by modifying the value or quantity of the currency can be enacted solely by the Dominion Parliament.

Registration of Corporate Securities.—The Corporation Securities Registration Act (c. 50) provides one central registration point in the office of the Provincial Secretary at Toronto for every mortgage or charge of chattels in the Province and for every assignment of book debts made by a corporation engaged in business in the Province and contained in a trust deed or other instrument to secure bonds or debentures of the corporation or contained in the bonds and debentures themselves. By this Act, the Bills of Sale and Chattel Mortgages Act, R.S.O. 1927, c. 164, and the Assignment of Book Debts Act, 1931, 21 Geo. V, c. 35, are rendered inapplicable to any chattel mortgage or assignment of book debts the registration of which is provided for by this Act. Failure to register in the form and time prescribed by the Act renders the mortgage or assignment null and void as against creditors of the mortgagor or assignor and as against subsequent purchasers or mortgagors in good faith, for value and without notice.

The Corporation Securities Registration Act was drawn by the Conference of Commissioners on Uniformity of Legislation in Canada and has also been enacted in Nova Scotia (1933) and in Saskatchewan (1932).

Collection Agencies.—The Collection Agencies Act (c. 51) provides that a collection agency shall not carry on the business of collecting debts until such agency has been licensed as provided by the Act and regulations thereunder and a penalty is prescribed for violation of the Act. The Lieutenant-Governor in Council is empowered to make regulations prescribing the form of licence and application therefor, prohibiting the use of any particular method in the collection of debts by collection agencies and prohibiting the bringing of any action for the recovery of a debt in any court of the Province by a collection agency which has not its chief office or place of business in Ontario.

Marriage.—By the Statute Law Amendment Act (c. 53) the sections of the Marriage Act (R.S.O. 1927, c. 181, ss. 34 and 35) which conferred jurisdiction on the Supreme Court of Ontario to declare null and void a form of marriage gone through between persons either of whom was under eighteen years of age without the consent of the father, mother or guardian of such person have been repealed.[1] S. 17 of the Marriage Act also has, by the Statute Law Amendment Act, been amended so that now, although a licence to marry shall not be issued where either of the parties to an intended marriage is under the age of eighteen years, and the consent of the father, mother or guardian of such person to the marriage has not been obtained, the obtaining of such consent is not made a condition precedent to the validity of a marriage which in fact has been properly solemnized by a competent minister or clergyman the licence having been obtained by fraudulent misstatements as to age. In other words, the provisions of the Marriage Act dealing with the consent of parents to the marriage of persons under the age of eighteen are now merely directory and do not purport to affect the essential validity of the marriage. These sections of the Marriage Act were probably amended in view of the doubts expressed as to the constitutional power of the Provincial Legislature to require consent of parents as a condition precedent to the validity of a marriage since under the British North America Act (1867) the exclusive legislative power as to "Marriage and Divorce" is vested in the Dominion Parliament, the Provincial Legislature merely having exclusive legislative power as to "Solemnization of Marriages."[1]

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[1] These sections and the problems arising thereunder were discussed in *Journ. Comp. Leg.*, Third Series, vol. xi, pt. ii, p. 52.

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. BENTLEY, ESQ., K.C.]

Legislative Assembly.—By c. 3, the term of the Legislative Assembly is extended from four to five years.

Deserted Wives and Children.—By c. 7, proceedings may be taken by a deserted wife, or the Attorney-General or Provincial Guardian, to compel the husband to pay for the maintenance of his wife and of their infant children, if any, such weekly sum, not exceeding $20, as a judge may order to be paid. The order is to be deemed a judgment of the court, and may be enforced by distress proceedings, execution, garnishee, attachment or otherwise.

Vital Statistics.—By c. 11, the statutes requiring registration of births, deaths and marriages are revised and consolidated.

Electrical Inspection.—C. 13 authorizes the Lieutenant-Governor in Council to make rules and regulations concerning electrical installations, with a view to the prevention of fire and injury to persons and property, and regulations respecting the qualifications of mechanics and contractors engaged in electrical work in the Province and the issuing of licences and permits. Electrical installations and work are to conform to the requirements of the latest authorized edition of the Canadian Electrical Code and any amendments or additions thereto made from time to time.

Inspection of Fish.—Canned fish and canneries are to be provided for (c. 14) by the adoption of the provisions of that part of the Meat and Canned Foods Act (of Canada) which deals with canned fish and canneries, and the provisions of the Fish Inspection Act (of Canada) which deals with the inspection of certain pickled, salted and other kinds of fish.

9. QUEBEC.

[*Contributed by the* HON. MR. JUSTICE FABRE SURVEYER.]

Public Acts—103; Private Acts—54; Total—157.

Unemployed Aid.—An Act of the Parliament of Canada, the Unemployment and Farm Relief Act, 1931, authorized an appropriation of funds, in the manner provided by regulations annexed to an Order in Council of August 18, 1931. Under these regulations, the Federal Minister of Labour may enter into an agreement with the Government of any Province for the payment through the Province to any municipality, or to the Province where no municipal government exists, of such proportion of the expenditures of a municipality for direct relief as may be agreed upon between the municipality and the Province and approved by the

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[1] See *Peppiatt* v. *Peppiatt* (1916), 36 O.L.R. 427; *Marguhardt* v. *Gorr*, [1929] 1 D.L.R. 206; and *Kerr* v. *Kerr*, [1932] O.R. 601.

Minister. "Direct relief" means food, clothing, fuel and shelter or payment in lieu thereof. The Minister may also enter into an agreement with the Government of any Province in which any municipality is situated for payment through the Province to such municipality of a proportion of the cost of such municipal works and undertakings as may be carried out, pursuant to the agreement to provide work for the unemployed. He may also enter into an agreement with the Government of any Province for the carrying on by such provincial government of public works, improvements or other undertakings that will assist in providing suitable work for the unemployed, the costs thereof to be borne by the Provincial and Dominion Governments in such proportion as may be agreed upon. A maximum work-day of eight hours shall prevail on all such works, the rates of wages to be fixed by provincial or municipal authorities provided such rates be fair and reasonable and not in excess of the rates fixed by the Federal Government for that class of work in the district. If available, only goods and material of Canadian manufacture or production shall be used, and contracts shall be let only to *bona fide* Canadian construction firms established and operating in Canada prior to January 1, 1931. Persons employed on the works shall be residents of Canada, and, so far as practicable, of the locality in which the work is being performed, all British subjects being on the same footing, irrespective of political affiliations, race or religious views.

C. 2 ratifies an agreement entered into between the Federal authorities and the Minister of Labour of the Province on October 17, 1931, and vests the Government of the Province with all the necessary powers to put such agreement into effect as regards the acts and matters within its jurisdiction. It may authorize the Provincial Treasurer to pay the sums which the Province may be called upon to pay under the agreement above mentioned, and to contract loans by means of bonds or inscribed stock issued on the credit of the Province. Municipalities are likewise authorized to do by resolution whatever is necessary to enable them to carry out their obligations under the Order in Council of August 18, 1931 ; to borrow money for that purpose ; to acquire, by mutual agreement or by expropriation, the real estate required for the works to be executed in virtue of this Act, and contract temporary loans, if necessary.

People's Savings Banks.—By c. 9, an amount of $20,000 shall be set aside yearly for the efficient propaganda and supervision of such banks.

Elections.—C. 19 amends the Quebec Election Act (Revised Statutes, 1925, c. 4), and provides for the appointment of revisors, chosen, as far as possible, from among the registrars, barristers, secretary-treasurers of municipalities and notaries of the district, to hear and adjudge the applications made to them in view of a coming election. By s. 36, everyone who (*a*) makes a false declaration to a revisor or to a depositary of the electoral lists in order to obtain a voting certificate, (*b*) forges, counterfeits or fraudulently alters such a certificate, (*c*) not being the person mentioned in such certificate, presents the same in order to obtain a ballot paper, (*d*) makes a false declaration with intent to vote by means of such certificate, (*e*) being a revisor or depositary of a list, delivers a certificate in blank, or to a person whom he knows not to be entitled thereto, (*f*) being a deputy returning officer, admits to vote one whom he knows not to be entitled thereto, (*g*) attempts to commit any offence specified in this section, shall be guilty of an offence summarily triable and liable to a fine of $100 to $500 and costs, and in default of payment, to imprisonment of three months to one year. Additional penalties are imposed upon revisors or election officers.

Controverted Elections.—By c. 20, all elections held in 1931 and contested before the courts are validated whenever the deposit of $1,000 required from the parties contesting such election has not been taken out of the contesting party's own moneys. All deposits taken from any other source for the purpose of contesting the election are declared null and void. The Act applies to pending cases.

Pawnbrokers and Second-hand Dealers.—C. 22 amends the Quebec Licence Act (Revised Statutes, 1925, c. 25) and enacts that no person or partnership shall carry on the business of pawnbroking under a licence in more than one house shop or place of business. The nature of the business carried on must be indicated outside of the place of business. Every pawnbroker must procure and keep a register in which he must write or cause to be written, legibly, in French or in English, immediately upon the receipt of an article pawned (*a*) the description thereof; (*b*) the amount of the loan; (*c*) the day of the month and the year of the loan; (*d*) the name and description of the pawner; and (*c*) the name of the street and number of the house where the pawner resides. The pawnbroker, when making a loan, must give to the pawner a written or printed memorandum containing the above-mentioned statements. A duplicate of the memorandum must be attached to the article pawned, and when the article is returned, the date of the return is to be mentioned on the duplicate, which must be kept for one year from such date. The owner of an article pawned at a pawnbroker's without such owner's consent retains all his rights of ownership thereof and may exercise them according to law. A pawnbroker must show to the provincial police, whenever required, the register above mentioned and the articles received in pawn, under a penalty of $50 to $300.

The words "second-hand dealer" apply to every person who habitually deals in used articles of any nature whatsoever, and also to every person who habitually receives, without buying them, used articles and undertakes to sell them; but not to any person who, in the usual course of his business, accepts, in full or partial payment of merchandise sold, one or more used articles. No person shall carry on the business of second-hand dealer without a licence, valid for one place of business only. A second-hand dealer must keep a register of articles received, and must not receive a used article unless the identity of the person delivering it to him be known to him, or established by a person whose name and address are entered in the register. A second-hand dealer is forbidden to dispose of a used article within fifteen days following the day of the receipt thereof. He must, when required by the provincial police, show his register and the used articles received by him, and he must send, every Monday, a list containing a description of the used articles received by him during the days preceding the day of sending the list. The owner of a used article bought or taken in exchange by a second-hand dealer, without the consent of such owner, retains all his rights of ownership of such article.

Corporation Tax.—By c. 23 there shall be imposed upon every business concern, banks and railway companies excepted, an annual tax equal to 1½ per cent. of the profits earned in the Province by any such concern, without deducting therefrom any charge or reserve for dividends on paid-up capital, on any reserve for capital account. Depreciation, however, is deducted from such profits, provided it be proper and for a reasonable amount. This tax shall be payable within the four months immediately following the last day of the fiscal year of each concern and shall be imposed for a period of two consecutive fiscal years. Each concern must, during that period, supply such statements as may be required and give such other information as may be deemed necessary to establish the amount of such tax to the Comptroller of Provincial Revenue. The Cabinet may grant a reduction of such taxes to a company having its head office in the Province but doing no business therein other than that of holding the stock, debentures or securities of other incorporated companies, and of corporations and governments.

Motor-vehicles.—By c. 27 the Minister of Roads may place a suitable sign near an intersection or bifurcation of two public roads outside of cities and towns, and every driver of a motor-vehicle travelling along a road where such sign is placed must bring such motor-vehicle to a stop for a moment near such intersection or bifurcation.

C. 28 penalizes the owner of a commercial vehicle or of a delivery car who uses the same or permits the use thereof for the transportation of persons for a pecuniary consideration, whatever may be the number of persons, or for the transportation without pecuniary consideration of more than ten persons at one time, unless, in either case, such persons are members of the family or employees of the owner who are being transported to the place where they are working or who are returning therefrom.

C. 29 authorizes municipal councils to make by-laws to provide that no licence be issued to the owner of a taxi, or to the owner of a pleasure vehicle which he possesses for hiring purposes before he deposits with the treasurer of the municipality a copy of the insurance policy or policies issued by a company authorized to assume risks in the Province, for an amount of not less than $1,000 for damages to property, $5,000 for bodily hurt or injury caused to one person only and $10,000 for bodily hurt or injury caused to more than one person but resulting from the same accident, guaranteeing such owner against actions for damages taken against him by third persons on account of accidents caused by such taxi or vehicle ; such insurance policies must be kept in force during the whole period of such licence and contain a clause that the same cannot be cancelled without previous notice in writing to the treasurer of the municipality.

Alcoholic Liquor.—By c. 32 it is forbidden to sell alcohol or spirits in bottles unless a special stamp issued and cancelled according to the Stamp Act be affixed to each bottle, the cost of such stamps being in proportion to the capacity of the bottle. This tax is to be known as " unemployment tax " and payable to the Commission, which in such case acts as agent of Provincial Revenue.

Return to the Land.—By c. 41 the Minister of Lands may buy, and the Cabinet may dispose of for colonization purposes, any vacant lot suitable for farming, and place settlers thereon, on trial, without location ticket, on the terms and conditions fixed by the Order in Council as to (*a*) the time which must elapse before the issuance of a location ticket or letters patent ; (*b*) the obligations which the settler must accomplish ; (*c*) the repayment to the Government of the expenditure for repairs or improvements on the lot incurred by it in the interest of the settler ; (*d*) the time, from the date of his establishment, during which the settler will be entitled to cut timber or any quantity of timber on his lot, and the place where such timber may be cut; (*e*) the delay to be granted to the limit-holder to cut timber on such lots.

Fisheries.—By c. 43 every person who hinders, molests or obstructs a fishery overseer, a special officer or a club guardian in the performance of any duty incumbent upon him, shall be guilty of an infringement of its provisions and shall be liable, in addition to the costs, to a fine of not less than $10 nor more than $50, and, in default of payment of such fine and costs, to imprisonment for not less than eight days nor more than one month.

Game Laws.—By c. 44 a similar penalty is imposed against everyone who hinders, molests or obstructs a game warden, a special officer or a club guardian in the performance of his duty.

Industrial Disputes Investigation.—By c. 46 the Federal Act of that name (being c. 112 of the Revised Statutes of Canada, 1927, which does not apply to industrial disputes which are exclusively under the jurisdiction of any of the Provinces of Canada) is made applicable, by proclamation of the Lieutenant-Governor in Council, to industrial disputes coming exclusively within the legislative jurisdiction of the Province of Quebec.

Employment Bureaus.—By c. 47 all private employment bureaus are forbidden, except such as are established and maintained by (1) religious congregations or societies which seek to place their protégés; (2) workers' societies having for objects the study, defence and development of the economical, social and moral interests of employees; (3) charitable and benevolent societies; (4) employers who have their own employment bureau—provided that in all the above cases (*a*) a permit for such purpose has been previously obtained from the Minister and be in force; (*b*) no remuneration for the purpose be exacted from the seeker of employment; and (*c*) a register be kept in the form determined by the Minister.

Women's Minimum Wage.—By c. 48 the Cabinet may appoint, under the direction of the Minister of Labour, a commission consisting of four members, two of whom shall represent the employers and two the female employees. The commission is empowered to investigate, through its members or a delegate, the conditions and hours of work of girls and women employed in industrial and commercial establishments and of the wages paid to them. If it be of opinion that the wages or salaries paid in an industrial or commercial establishment, industry or trade are insufficient, it may convene in a conference such number of persons as it may determine to decide upon the minimum wage or salary or the number of hours per week to which such minimum wage or salary shall apply. It may, on the application of the employers or of the female employees, or of its own accord, revise its decision at any time by observing the same formalities. It may issue special permits to girls or women whose physical condition does not allow of their doing the work of an ordinary female employee, and allow them to work at lower wages than those fixed in an order.

Vote of Joint Stock Companies.—By c. 49, amending the Cities and Towns Act, joint stock companies possessing immoveables as owners may be entered on the voters' list and vote through a representative of the company duly authorized to that effect under a resolution of the said company, a copy whereof shall be filed with the clerk at least ten days before the voting day. The company exercises such right to vote in the ward or wards where it possesses one or more immoveables for which it pays taxes, which it indicates in the resolution. Such representative must, however, when so authorized and called upon to cast his vote, be a director or employee of the company and a British subject. The above-mentioned resolution shall serve for the above purpose until it shall be replaced by another resolution for the same purpose.

Dismissal of Municipal Officers.—" Municipal officers " means the comptroller and auditor of a municipality of over fifty thousand souls, the treasurer or director of departments and the directors of the police department ; they can only be dismissed in conformity with the provisions of c. 53. The council of the municipality, by resolution alleging the accusations, actions or facts which may form the object of an inquiry, may apply to the Chief Justice or acting Chief Justice of the Superior Court to designate a judge to hold an inquiry into the facts and allegations invoked as reasons for the dismissal of a municipal officer. The designated judge's report, as well as the notes of evidence and the documents filed during the inquiry, are forwarded by the judge to the clerk of the municipality, and to the Minister of Municipal Affairs. The council may, by a vote of three-fourths of all its members, vote the dismissal of the officer accused. The costs of the inquiry are borne by the municipality.

Unclaimed Goods Sales.—By c. 89 the Rev. Stats., 1925, c. 266 is amended by allowing launderers in possession of articles deposited in their custody to be washed or ironed, subject to remuneration, to cause them to be sold by an auctioneer, after notices in newspapers, if the articles are not claimed within the twelve months following their deposit. They may retain, out of the proceeds of the sale, the cost of the notice of sale as well as that of the washing and ironing, and must deposit the balance, if any, in the office of the Provincial Treasurer.

Seizure of Salaries and Wages.—By c. 98 the salaries and wages of workmen and labourers employed at work undertaken to relieve unemployment with the aid granted by the Federal and Provincial governments shall not be seizable with respect to any claim for debts contracted by such workman or labourer.

10. SASKATCHEWAN.

[*Contributed by* J. P. RUNCIMAN, ESQ., *Legislative Counsel.*]

Acts passed : Public—77 ; Private—3.

Taxation.—During the last few years Saskatchewan has been faced with large expenditures of an extraordinary nature. Ordinary expenditures have therefore been substantially curtailed and heavier burdens have been placed upon the shoulders of the taxpayer. The Public Revenues Tax has been increased (No. 10). Succession duties are higher (No. 11). Corporations are more heavily taxed (No. 12). The tax on gasolene has been raised from 5 cents to 6 cents per gallon (No. 14), and a new income-tax has been imposed (No. 9). Heretofore the taxation of incomes was one of the sources of municipal revenue, but the power to impose a tax upon income has now been withdrawn from the municipalities in view of the new provincial tax.

Limitation of Actions.—Heretofore the only statutory provisions for limitation of actions in Saskatchewan have been contained in a short Act of three sections. The first provides for actions for simple contract debts which are to be commenced within six years after the cause of action arises. The second declares the Real Property Limitation Act, 1874 (Imp.), to be in force in Saskatchewan, and the third forbids the acquisition of easements by prescription. As, however, the North-West Territories Act of 1886 introduced into these territories the laws of England relating to civil and criminal matters as they stood on July 15, 1870, and in so far as applicable, there are a number of English statutes relating to the limitation of actions, beginning with 31 Eliz., c. 5, s. 5 (1589), which have been in force in the Province by reason of that provision. To put an end to this unsatisfactory state of affairs, the Legislature has adopted the uniform Limitation of Actions Act, prepared by the Commissioners on Uniformity of Legislation in Canada. This is an elaborate measure, forming a code, and dealing fully with every phase of the question (No. 18).

Public Utilities Easements.—In order to facilitate the operations of the Saskatchewan Power Commission, of public utility companies and railway companies operating such utilities, and of municipal corporations, the Public Utilities Easements Act (No. 20) enables the registered owner of a parcel of land to grant to the Crown in the right of the Province, or to a public utility company or railway company, the right to carry its pipes, wires, conductors or transmission lines upon, over, under or across the land. Such owner may grant similar rights to municipal corporations in respect of their power lines as well as of their spur tracks, sewers and water mains. The rights so given are termed easements, and provision is made that when registered they shall run with the land and be binding upon all persons interested therein, subject to certain conditions.

Debt Adjustment.—The Debt Adjustment Act, which has been on the statute book for several years, was revised with extensive additions and consolidated. The purpose of this Act (No. 5) is to substitute conciliation by a government official for litigation in the settlement of matters in controversy between debtor and creditor. It was originally confined in its operation to farmers, but it has been extended to cover owners or purchasers under agreements of sale of property to be used for residential purposes in urban municipalities and also retail merchants.

For the proper administration of the Act an official, to be known as the Debt Adjustment Commissioner, is provided with the necessary authority. He is given extensive powers of interfering with the regular course of law. He may issue, upon application, a certificate which prevents creditors from proceeding at law and restricts their rights in other ways. While, however, the creditor is stopped from proceeding at law in the usual manner, it is the duty of the Debt Adjustment Commissioner so to supervise the debtor's affairs as to serve the best interests of both debtor and creditor. The Act remains in force only until April 1, 1934.

Garage Keepers.—An amendment (No. 58) to the Garage Keepers Act provides that actual and continued possession is essential to the existence of the lien of a garage keeper for services upon a motor-vehicle, or part, accessory or equipment pertaining thereto.

Public Service Vehicles.—Owing to the great increase in the operation of motor-vehicles for the carriage of passengers and freight, it has been found necessary to make provision for the control and regulation of persons conducting that class of business. The new Public Service Vehicles Act (No. 68) provides for the appointment of a board, to be styled the Public Utility Board, with absolute control over owners of passenger and freight vehicles, and prohibits the operation of a "public service vehicle" upon any public highway outside the limits of a city, unless authorized by the board. The board is directed to make regulations governing (*a*) the amount of deposit, bonds and insurance policy required from an owner; (*b*) the nature of live-stock, liquids, goods and merchandise which may be carried; (*c*) routes and the nature of routes, whether local or through; (*d*) areas within which vehicles may be operated; (*e*) the passenger and load capacity of vehicles; (*f*) the weight which may be carried on the top of a passenger-carrying vehicle; (*g*) the maximum weight of express freight, freight and baggage which vehicles may carry, and the size and weight of packages; (*h*) tolls and express and freight rates; (*i*) the commission chargeable for collecting on "cash on delivery" shipments; (*j*) where deemed necessary, the maintenance of a depot and the location thereof; (*k*) the dates between which a vehicle shall operate, the days and hours upon which a vehicle is to be operated and the times of departure and arrival both at terminal and intermediate points when a vehicle is to be operated on a specified route; (*l*) the classification of vehicles; (*m*) drivers. The board has also power, with the approval of the Lieutenant-Governor in Council, to make regulations (*a*) providing for a uniform bill of lading; (*b*) providing for the issue of numbered tickets by owners of passenger-carrying vehicles; (*c*) classifying live-stock, goods, merchandise and other material; (*d*) respecting the nature of goods which may be carried as express freight; (*e*) respecting the nature of containers which may be used in freight shipments; (*f*) prescribing the form of certificate and permit to be issued by the board; (*g*) for the better carrying out of the provisions of the Act according to their true intent.

Liquor.—An amendment (No. 69) to the Liquor Act authorizes the sale of wine in government beer stores.

11. NEWFOUNDLAND.

[*Contributed by* BRIAN DUNFIELD, ESQ., K.C., *Deputy Minister of Justice.*]

Gold Export and Currency.—C. 1 forbids the export of gold from Newfoundland save under licence from the Governor in Council. In view of the fact that in Newfoundland gold is the principal legal tender (see c. 35, 1917), it appeared that, with branches of Canadian banks doing the banking business of Newfoundland, the prohibition of the export of gold by Canada would have been ineffective inasmuch as Canadian gold reserves could have been drawn upon through Newfoundland. As any extensive operations of this kind would have rendered the position of the Canadian banks in Newfoundland untenable, and possibly have resulted in the Dominion being left without banking facilities, it was necessary to pass the present Statute.

S. 2 renders the notes of the banks doing business in Newfoundland legal tender, provided always that the person to whom such notes are tendered may have his choice as to the bank the notes of which he will accept. S. 3 specifically dispenses with the obligation to redeem notes in gold. S. 7 establishes the period of operation of the Act.

House of Assembly.—C. 7, amending c. 2 of the Consolidated Statutes (Third Series) entitled "Of the House of Assembly," provides for the redistribution of seats in the House of Assembly. The number of members in the House of Assembly is reduced from 40 to 27. The country is divided into twenty-four districts, three of which return two members each and the remainder one member each.

Lotteries.—C. 10 amends the law in relation to lotteries. Heretofore licences for the holding of lotteries have been granted by stipendiary magistrates, but under this Act licences may hereafter be granted only by a board consisting of three officials, known as the Lotteries Licensing Board, except in the case of very small lotteries conducted in connexion with entertainments and the like, where the power of magistrates to grant permission is retained (s. 6, (2) (c)). The board is to see that only reputable persons receive permits, and a bond or deposit by way of security is required. Permits already given by magistrates, however, are to remain valid until December 31, 1932. Provision is made for audit of accounts and for penalties in case of fraud.

Auditing of Public Accounts.—C. 14 amends s. 8 of the Audit Act (c. 23 of the Consolidated Statutes, 1916) relating to temporary loans. The Governor in Council is given somewhat greater facilities for raising temporary loans from banks. A loan may, under this Act, be raised for charges to fall upon the fund as well as for those which have already fallen upon it, and may be used for paying off a previous loan of the same class, this amounting in effect to a power to renew temporary loans.

Export of Manufactured Products of Timber.—C. 17, which is a temporary Act operating until June 30, 1934, enables the Governor in Council to permit the export of products manufactured from timber cut on ungranted Crown lands.

Carriage of Goods by Sea.—C. 18 is passed as a result of Newfoundland's adhesion to the findings of the International Conference on Maritime Law and follows the Imperial Act upon the same subject.

Salt Codfish.—C. 19 effects some minor amendments in the Salt Codfish Act, 1931. In the event of the association constituted by that Act failing to recommend a board, the Governor in Council is given the power to appoint without recommendation. Under s. 3 the board is given the power to regulate shipments.

Radio Telegraph.—C. 24 deals with two points only. First, dealers in radio apparatus are required to furnish lists of purchasers to the Department of Posts and Telegraphs so as to facilitate the collection of licence fees. Second, the Minister is given power to search for apparatus causing interference with radio reception and to compel the elimination of such interference.

Control of the Public Treasury.—C. 27 provides for closer control of the Treasury. A Controller of the Treasury is appointed, who is also Deputy Head of the Department of Finance. He is, after six months' probation, to become irremovable. He is given power to make regulations, subject to the approval of the Governor in Council, for the control of public expenditure. His powers and duties are defined in general terms in the schedule.

Civil Service Pensions.—C. 30 provides for a substantial temporary reduction in civil pensions. This is to have effect until June 30, 1934.

Public Service Salaries Reduction.—C. 31 provides for a reduction for the fiscal year 1932–33 in the salaries payable to persons in the public service, with certain exceptions.

Loan.—C. 32, an Act in relation to the raising of a loan on the credit of the Dominion for certain public purposes and in relation to the raising of money for the service of the said loan and in relation to the issue of saving certificates, provides for the raising of a loan of $2,500,000 for the public service of the Colony. S. 3 provides for a sinking fund. Security is provided for the loan by the creation of a monopoly in petroleum products, which is granted to Imperial Oil Limited, of Sarnia, Ontario, Canada, and in consideration of this monopoly the said company underwrites the loan to the extent of $1,750,000 and pays to the Government an annual sum of $300,000 with a possible increase based upon its sales. The sum so paid in by the company is deposited in a fund to be known as the Petroleum Products Fund, administered by three trustees, and the interest and sinking fund of the loan is a first charge upon this fund. Bonds of the loan are to be redeemed under the sinking fund by drawings. The Act provides also for the issue of savings certificates redeemable as set forth in s. 21.

Death Duties.—C. 34 improves the procedure under the Death Duties Act by providing for two sets of affidavits and certificates: the first or provisional set when probate or administration is first sought; the second or final set when the value of the estate has been completely ascertained.

12. BERMUDA.

Acts passed—38.

Summary Offences.—The principal Act of 1926 provided that any person who in any public place makes any bonfire or throws any firework to the danger or alarm of any passenger was guilty of an offence. This has been amended by Act No. 15, prohibiting the making of any bonfire or the throwing of any firework in a public place whether or not the same be to the danger or alarm of any passenger.

Passports.—No. 18 provides for the punishment of persons making false statements in declarations required to be made by applicants for passports.

Public Health.—Act No. 25 extends the jurisdiction and supervision of the General Board of Health to enable it to carry out the duties imposed upon the Government by the International Sanitary Convention, 1926, Art. 13 of which requires the competent authority at the port of departure (*inter alia*) to take effectual measures to prevent the embarkation of persons showing symptoms of certain specified diseases, and of persons in such relations with the sick as to render them liable to transmit the infection of such diseases. The Act also provides that certain ships arriving within the territorial waters of the Islands and carrying a medical officer may proceed to their port of destination on receiving pratique by wireless from the Director of Health.

Imperial Preference.—Act No. 33 gives legislative effect to the agreements concluded at the Imperial Economic Conference at Ottawa in so far as they affect Bermuda.

III. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* GEORGE S. KNOWLES, ESQ.]

1931.

Acts passed—56.

The main problems existing in Australia at the beginning of 1931 related to matters of finance. These matters were discussed at a Conference of Commonwealth and State Ministers held at Melbourne in May

1931, and it was then decided that the Commonwealth and the States should take action on certain definite lines to meet the situation. These decisions were carried into effect, in so far as they concerned the Commonwealth, by the Financial Emergency Acts and the Acts relating to the conversion of the internal public debts of the Commonwealth and the States. Some further tariff proposals were introduced, and legislation was passed validating the collection of duties under the various proposals introduced but not embodied in legislation, and authorizing continuance of the collection of duties under the proposals until February 29, 1932. An alteration was made in the system of administration of the Northern Territory, and the rate of sales tax was increased from 2½ per cent. to 6 per cent.

Bounties.—Minor amendments were made to the Wine Export Bounty Act, 1930, and the Flax and Linseed Bounties Act, 1930, and the Gold Bounty Act was amended to enable miners working on tribute to receive a share of the bounty. In order to assist wheat-growers, who had been seriously affected by the abnormally low prices ruling for wheat, provision was made by the Wheat Bounty Act (No. 48) for the payment of a bounty of 4½*d.* per bushel on wheat produced during the 1931–32 season.

Customs and Excise.—The Customs Tariff Validation Act (No. 53) validates the collection of duties of customs under the various customs tariff proposals introduced into the House of Representatives during the period between November 21, 1929, and July 29, 1931, and authorizes the collection of duties in accordance with those proposals until February 29, 1932. The Customs Tariff (Primage Duties) Validation Act (No. 55) contains similar provisions in regard to the collection of primage duties under proposals introduced on various dates between July 9, 1930, and October 14, 1931, and the Customs Tariff (Special Duties) Validation Act (No. 56) validates the collection of special duties of customs under proposals introduced during the period between April 3, 1930, and July 23, 1931. Similar provision is made by the Excise Tariff Validation Act (No. 54) in regard to duties of excise collected under excise tariff proposals introduced during the period between November 22, 1929, and July 29, 1931.

The Customs Tariff (Canadian Preference) Act (No. 13) ratifies and carries into effect an agreement under which preferential duties of customs will be granted in respect of certain specified goods produced or manufactured in Canada in return for similar preferential treatment by Canada of specified goods produced or manufactured in Australia. The rates applicable to other goods imported from Canada will be those in force under the British preferential tariff. Provision is made for the suspension of the preferential rates where it appears that the importation of goods under the preferential tariff is injuriously affecting the sale of similar goods of local production, unless, within three months after notice given by one Government to the other, some satisfactory arrangement is reached in regard to the matter. The agreement affects (*inter alia*) meat, eggs, dairy produce, rice, fruits, sugar, brandy and wine produced in Australia, and fish, wheat, agricultural machinery, timber, rubber boots, shoes and tires, paper, vehicles, pianos and vacuum cleaners produced or manufactured in Canada.

The Distillation Act (No. 3) makes certain amendments of the principal Act in regard to the use of stills of a capacity of less than one gallon and as regards the method of fortifying wine.

Finance.—The Commonwealth Bank Act (No. 6) authorizes the Commonwealth Bank to use gold for the payment of Commonwealth debts in London, and provides for the temporary reduction of the gold reserve to 15 per cent. of the amount of Australian notes issued.

The Debt Conversion Agreement Act (No. 14) approves an agreement made between the Commonwealth and the States in relation to the conversion of internal public debts. The agreement authorizes the Commonwealth to arrange and effect a conversion, on the basis of a 22½ per cent. reduction in the interest yield, of all internal public debts of the States the liability for which has been assumed by the Commonwealth, and all public debts of the Commonwealth. The agreement contemplates that the holders of existing securities will be invited to convert them into new securities bearing interest at 4 per cent., 3⅞ per cent. or 3 per cent., the interest on the new securities to be free from the super-tax of 7½ per cent. and from any further tax which may be imposed by the Commonwealth or by any State, but to be subject to other existing Commonwealth and State taxes. In the case of 3 per cent., 3½ per cent. and 3¾ per cent. stock acquired by the holders before August 4, 1914, the interest is not to be reduced below 3 per cent., and special conditions are also to be applicable to tax-free securities.

The Commonwealth Debt Conversion Act (No. 18) makes provision for carrying into effect the terms of the above-mentioned agreement. The Governor-General is authorized to create new securities called Australian Consolidated Inscribed Stock or Australian Consolidated Treasury Bonds, such securities to be issued in exchange for existing securities, or for borrowing money to pay off, re-purchase or redeem existing securities, or for borrowing money to pay the expenses of carrying the Act into effect. The Act provides that holders of existing securities may apply for their conversion into new securities bearing the reduced rate of interest. Provision is also made for holders to dissent from the conversion of their securities, such dissent to be signified within the prescribed time. Where the holder of existing securities does not signify dissent within the prescribed time, the existing securities are to be converted into new securities. The equivalent amount of new securities to be exchanged for existing securities is to be based on a reduction of the interest rate on existing securities by 22½ per cent., and is to be determined, where necessary, by actuarial calculation. In accordance with the Debt Conversion Agreement, it is proposed that the rate of interest on 3¾ per cent. securities shall not be reduced below 3 per cent. if the holder (or the person whose executor, administrator or trustee he is) acquired the securities before 1914, and provision is also made for the preservation of existing rights in the case of tax-free securities. The new securities are to bear interest at 3 per cent. (to be issued in exchange for securities bearing less than 5 per cent. interest), 3⅞ per cent. (to be issued in exchange for securities bearing interest at 5 per cent.) and 4 per cent. (to be issued in exchange for securities bearing interest at more than 5 per cent.). The 4 per cent. securities are redeemable in 1938, 1941, 1944, 1947, 1950, 1953, 1955, 1957, 1959 or 1961, subject to a right to redeem at any time after 1950. The 3⅞ per cent. securities are redeemable in 1947, and the 3 per cent. securities are redeemable in 1938 or 1944. As a rule, the securities issued to each holder are to be allotted in such a way that he will receive securities maturing on each of the various dates mentioned. The 4 per cent. securities and the 3⅞ per cent. securities will be accepted in payment of Commonwealth estate duty. Trustees are authorized to convert securities in accordance with the Act. The method of determining the actuarial equivalent of new securities to be issued in lieu of existing securities is set out in the schedule. Upon conversion and issue of new securities fractions of £10 may be paid off in cash.

The Debt Conversion Agreement Act (No. 2) (Act No. 52) approves an agreement between the Commonwealth and the States wherein it is recited that approximately 97 per cent. of existing securities have been converted under the Debt Conversion Act, and it is agreed that the Commonwealth Government shall take the necessary action for the conversion of the remaining 3 per cent. of existing securities. In order to give effect to this agreement, the Commonwealth Debt Conversion Act (No. 2) (Act No. 1 of 1932) provides that such securities shall be converted. It is also provided that the National Debt Commission may, if it thinks fit, purchase new securities at a price in excess of the market price, but not above par, with a view to preventing undue hardship, arising out of conversion, to persons beneficially interested in the securities.

The Financial Emergency Act (No. 10) was passed in pursuance of the plan agreed upon at the Premiers' Conference, the object of the Act being the reduction of adjustable government expenditure by 20 per cent. Reductions on this basis (the rate of reduction increasing with the rate of salary) are made in the salaries and wages of Commonwealth officers and employees, and the salaries and allowances of members of the Commonwealth Parliament and Ministers of State are reduced by amounts varying from 20 per cent. to 25 per cent. These reductions are in substitution for those imposed under the Income-tax (Salaries) Act 1930, which applied only to salaries exceeding £725 per annum. The reduction also applies to fees and allowances payable by the Commonwealth to members of certain boards and authorities, and to the remuneration payable to the governor, deputy-governors and directors of the Commonwealth Bank. The Act contemplates the voluntary relinquishment of salary by holders of certain offices under the Commonwealth, and provides for the exemption from taxation of any salary so relinquished. The pensions payable under the Judiciary Act, the Commonwealth Conciliation and Arbitration Act and the Bankruptcy Act are to be reduced by 20 per cent., and the contributions of the Commonwealth towards pensions payable under the Superannuation Act are to be subject to a similar reduction. The amount of the allowance payable under the Maternity Allowances Act is to be reduced from £5 to £4, and the payment limited to cases where the income of the parents does not exceed £260 per annum. The Act also reduces the maximum pension payable under the Invalid and Old-Age Pensions Act from £52 per annum to £45 10*s.* per annum, and provides that certain pensions payable under the War Pensions Act shall be reduced by 22½ per cent. Provision is also made for the reduction of the bounties payable under the various Acts under which bounties are payable by the Commonwealth.

Financial Assistance to States.—By Acts Nos. 19 and 20 provision was made for the grant of financial assistance to the States of South Australia and Western Australia. The Federal Aid Roads Act, 1926, was amended (by Act No. 22) in order to relieve the States from the obligation (imposed on them under the original agreement) to make contributions proportionate to those made by the Commonwealth, and to enable them to use the money received under the Act for the maintenance as well as the construction of roads. It is also provided that in lieu of the amounts specified in the original agreement, the Commonwealth will pay to the States an amount equal to 2½*d.* per gallon on imports of petrol, and 1½*d.* per gallon on petrol refined in Australia.

Taxation.—Acts Nos. 25–42 amend the existing sales tax legislation. Under the law as amended the annual renewal of certificates of registration and securities will not be necessary. Provision is made for the exemption from tax of goods sold to the Government of the Commonwealth or of a State and goods sold by a manufacturer in cases where the Commissioner is satisfied that the amount of sales tax payable by the manufacturer would not exceed £3 per annum. Provision is also made for the alteration of certain agreements affected by an alteration of the rate of sales tax. In the case of goods sold by wholesale, the vendor is required to state upon the invoice the amount of sales tax payable, and is entitled to recover that amount from the purchaser. The list of goods which are exempt from tax is increased to some extent, and an amendment is made to the provision with respect to the refund of tax where the price of the goods has been written off as a bad debt. Under the "taxing" Acts the rate of tax is increased from 2½ per cent. to 6 per cent. of the sale value of the goods.

Territories.—The Northern Territory (Administration) Act repeals the Northern Australia Act, 1926, which provided for the separate administration of North Australia and Central Australia, and established the North Australia Commission for the purpose of exercising certain functions in relation to the development of the Northern Territory. Under the provisions of the 1931 Act the Northern Territory will again be administered as one territory.

1932.

Acts passed—76.

Much of the legislation in the earlier part of the year was designed to overcome the refusal of the Government of New South Wales to pay certain interest on overseas debts and its proposal to obtain large cash deposits from insurance companies and to impose a particularly heavy tax upon mortgagees. Other important measures related to the establishment of a Commission to provide broadcast programmes, to the approval of the Ottawa Agreement and an agreement between the Commonwealth and Queensland relating to the sugar industry.

Assistance to the States.—During the year grants were made to the States as follows: £1,000,000 to South Australia (Act No. 36); £500,000 to Western Australia (Act No. 37); and, in addition to the amount of £250,000 already granted under Act No. 23 of 1929, £80,000 to Tasmania (Act No. 38). Payments of the nature of financial assistance to the States were also made under the Financial Relief Act (No. 64) and the Loan (Unemployment Relief) Acts (Nos. 9 and 23).

Banking.—The Commonwealth Bank may, as a result of Act No. 16, convert the gold reserve into English sterling. English sterling is defined as currency which is legal tender in the United Kingdom and includes balances standing to the credit of the bank at the Bank of England or at any other of its bankers in London. It also includes certain bills of exchange and short-term securities maturing in three months. The conversion of gold to sterling would show in the books of the bank a profit of some £3,000,000. Under s. 60J of the Act this sum would be expended as provided in that section. New sub-section (4) of s. 60K provides for its transfer to a special reserve account.

Bankruptcy.—The Bankruptcy Act (No. 31) is the first comprehensive general amending Act since the enactment of the principal Act in 1924. Most of the provisions are designed to facilitate administration. Some substantive alterations, however, are made in the existing law. S. 19 provides for preference to be given to certain creditors, and to persons to whom the bankrupt has incurred liability and in respect of whom payment has been made under a policy of insurance issued to the bankrupt and covering third party risks. Protection is afforded by s. 21 to a trustee who has incurred expenses in an administration which has been followed by another administration. By s. 24 any payment, transfer of property, etc., which gives a creditor a priority or advantage is void against the trustee. It is made an offence for a bankrupt to have omitted to keep proper books of account in the business carried on by him (s. 66). Certain policies of life assurance assigned by the insured under a deed of assignment or a deed of arrangement are to revest in the insured (s. 69).

Bills of Exchange.—The Bills of Exchange Act (No. 61) is similar to the Imperial Bills of Exchange Act, 1932, in that it extends the definition of a cheque to include banker's drafts payable on demand drawn by a bank on itself.

Bounties.—The Cotton Industries Bounty Act, 1930 (No. 13), provides for a maximum payment of £260,000 in respect of bounty on cotton yarn and seed cotton for any financial year. Act No. 17 of 1932 abolishes the bounty on cotton yarn from June 30, 1932, and the amount of bounty payable in any financial year on seed cotton will now be £150,000. Protection to the producers of cotton yarn, by way of compensation for the loss of bounty, is provided by a Tariff resolution introduced in the House of Representatives.

The Wheat Bounty (Claims) Act (No. 71) restricts payment of bounty under the Wheat Bounty Act, 1931, to cases where claims are made on or before December 17, 1932.

Amendments relating to the wine export bounty and the gold bounty are referred to under the heading of "Finance."

Crimes.—Part IIA of the Crimes Act aims at the suppression of associations advocating the violent overthrow of organized governments. But great difficulty has been experienced in securing evidence sufficient to support proceedings under that Part. Act No. 30 is designed to remedy this state of affairs. Under this Act, application may be made to the High Court for a declaration as to whether or not any particular association is an unlawful association. Membership of an unlawful association renders any person not born in Australia liable to deportation. A member of the Committee or Executive of the Association is disqualified from voting for a period of seven years unless he has a constitutional right to do so. Provision is also made for control of broadcasting stations operated by or in the interests of an unlawful association.

Financial Agreement.—In February 1932 the Government of New South Wales defaulted in respect of certain interest on moneys borrowed abroad. The Commonwealth assumed liability for such interest under the Financial Agreement[1] and paid the amount due. Doubts arose as to the liability of the Commonwealth to make payments to bondholders in connexion with moneys due under the Financial Agreement, and, in consequence, the Financial Agreements (Commonwealth Liability) Act (No. 2) declared the unconditional liability of the Commonwealth to make such payments.

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[1] See *Journ. Comp. Leg.*, Third Series, vol. xiii, pt. ii, p. 67.

The Financial Agreements Enforcement Act (No. 3)[1] provides machinery by which the Commonwealth may recover moneys due and payable and unpaid by a State to the Commonwealth under the Financial Agreements.

By Part II of the Act procedure is prescribed by which a declaration of the High Court as to the amount due by the State to the Commonwealth may be obtained, and such declaration may be enforced as a judgment. In order to secure such enforcement both Houses of the Parliament may by resolution make payable to the Commonwealth such revenue of the State as is specified in the resolution and included in a proclamation fixing the date from which the revenue is so payable.

S. 14 gives the Commonwealth power to apply in discharge of the liabilities of the State under the Financial Agreements moneys in its possession or under its control for or on behalf of the State or for the purpose of payment to the State or to which the State has any claim. Under s. 15 any bank may be required to pay to the Commonwealth any amount standing to the credit of the State in the books of the bank.

In order to meet certain action taken by the State and to make more comprehensive the powers given by the Act, the Act was amended by Acts Nos. 7, 8 and 10.

Financial Emergency Legislation.—An Act which created considerable interest was the Financial Emergency (State Legislation) Act (No. 11). The purpose of the Act is stated in the preamble to be the necessity, in view of the grave financial and economic emergency existing in Australia, of protecting the revenue and credit and the financial and economic stability of the Commonwealth by temporary measures of an exceptional character. The emergency arose out of the action of the Parliament of New South Wales in passing a measure imposing upon mortgagees a tax of 10 per cent. of the amount secured by the mortgage, in respect of mortgages of land, the tax to be payable within fourteen days unless an extension of time for payment was granted.

The Commonwealth Parliament, in pursuance of its powers to legislate in regard to taxation, insurance, banking and corporations, passed Act No. 11 with a view to rendering ineffective the New South Wales legislation referred to and also any other State legislation imposing a tax in the nature of a capital levy.

On the day on which this measure was passed circumstances altered, and, the New South Wales Bill imposing taxation on mortgagees not having been assented to, the need for this emergency legislation ceased to exist. Four days later, therefore, the Emergency Legislation Suspension Act (No. 13) suspended the operation of Acts Nos. 3, 7, 8, 10 and 11.

Emergency legislation of another character was the Financial Emergency Act (No. 35). This Act gives effect to the intention of the Government further to reduce expenditure and deals with ministerial and parliamentary allowances, public service salaries and wages, maternity allowances, invalid and old-age pensions, and wine export and gold bounties. These matters had already been dealt with to some extent by the Financial Emergency Act, 1931. The total reduction in aggregate salaries of Ministers is now 30 per cent. The additional annual saving in respect of ministerial and parliamentary allowances represents in the aggregate approximately a further 5 per cent. The salaries of public servants are to be further reduced—the maximum amount of the reduction being £8 per annum in the case of adult male officers. Provision is also made for the automatic adjustment of salaries in accordance with the rise and fall in the cost of living. Maternity allowance is not payable in any case where the total income of the claimant and her husband exceeds £208 per annum. Important alterations are made in the law relating to invalid and old-age pensions. Relatives of pensioners who are in a position to contribute towards the cost of a pension are required to do so. Future pension payments are a charge against the pensioner's estate at death, and should the pensioner become possessed of property (not including his home) exceeding £400, pension payable in the future will be recoverable from the pensioner. The amount payable from the Consolidated Revenue Fund for wine export bounty is not to exceed £96,000 in any financial year. S. 20 provides for the suspension from September 30, 1932, of payment of the bounty on gold produced in Australia. The bounty will be restored when the London mint price does not exceed £5 per ounce, and the Melbourne mint price, £5 10*s.* per ounce.

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[1] The validity of Part II of this Act was upheld by the High Court. See *N.S.W.* v. *The Commonwealth* (No. 1), 46 C.L.R. 155. In *N.S.W.* v. *The Commonwealth* (No. 3), 46 C.L.R. 246, it was held that the provisions of s. 15 of the Act constituted a valid exercise of the power conferred on the Commonwealth by s. 105A of the Constitution.

Act No. 1, Commonwealth Debt Conversion Act (No. 2), provides for the compulsory conversion of the internal portion of the public debt of the Commonwealth.

The Commonwealth Inscribed Stock Act (No. 25) amends the existing law so as to authorize the issue of consolidated stock and consolidated treasury bonds and to provide for the exemption of interest from such securities from income-tax. For purposes of economy the operation of the Commonwealth Public Works Committee Act, 1913–21, and the Committee of Public Accounts Act, 1913–20, was suspended, the inquiries required by those Acts into proposed public works and expenditure being considered unnecessary under existing conditions. The Acts effecting the suspension were, respectively, the Commonwealth Public Works Committee Act (No. 52) and the Committee of Public Accounts Act (No. 58).

Financial Relief.—As a result of the improved financial position of the Commonwealth, provision was made in the Financial Relief Act (No. 64) for remission in taxation and relief from other pecuniary burdens. This relief is of a temporary nature, and the continuance thereof depends upon the condition of Commonwealth finances. The Act also removes anomalies in relation to invalid and old-age pensions. Part II of the Act provides for the reduction in land-tax by one-third, and also revises the grounds of hardship upon which taxpayers may be released from the payment of land-tax. Part III authorizes a special deduction of £250, in respect of further tax on income from property, in lieu of the existing deduction under s. 24 of the Income-tax Assessment Act. Part IV adds further goods to the list of goods exempted from the payment of sales tax. Part V is designed to clear up certain anomalies in the Invalid and Old-age Pensions law. Property may be exempted from the charge thereon in respect of a pension which has not been repaid, and the Commonwealth is authorized to accept the transfer of pensioner's property. Part VI is concerned with relief to wheat growers. The sum of £2,000,000 is made available for financial assistance to the States in the provision of relief to wheat growers in the States and for relief to wheat growers in the Federal Capital Territory and the Northern Territory. Part VII relates to relief to primary producers other than growers of wheat. An amount of £250,000 is appropriated for this purpose.

High Commissioner.—During the year a Resident Minister (the Rt. Hon. S. M. Bruce) was appointed in London. Act No. 34 enables the Governor-General to authorize a Minister to exercise the powers and perform the duties which by the High Commissioner Act, 1909, are conferred on or assigned to the High Commissioner.

Immigration.—Under existing legislation the immigration into the Commonwealth of any person who has been convicted of a crime and sentenced to imprisonment for one year or more, unless five years have elapsed since the termination of the imprisonment, is prohibited. Act No. 26 provides for the exclusion of persons so convicted and sentenced irrespective of the time which has elapsed since the termination of the imprisonment. It is also provided that any alien who is unable to prove that his admission to Australia was authorized shall be a prohibited immigrant. Immigrants may now be required to pass the dictation test at any time within five years after entering the Commonwealth. Certain immigrants have in the past been subject to deportation at any time within three years after arrival in Australia. This period of control has been increased to five years. It is the duty of the master, owners, agents or charterers of a vessel which brings a prohibited immigrant to Australia to provide a return passage for that immigrant. This liability has been extended to include the wife and children of the immigrant.

Industrial Property.—The Patents, Trade-marks and Designs Act (No. 70) makes several amendments to the relevant Acts for the purpose of giving effect to the International Convention for the Protection of Industrial Property, as revised at a conference held at The Hague in 1925. Provision is also made for the assignment of a patent for a portion of the Commonwealth.

The Designs Act (No. 53) provides for the extension of the Designs Act, 1906–32, to Territories of the Commonwealth.

Insurance.—Acts Nos. 4 and 29 secure uniformity of practice as to deposits by persons or companies carrying on insurance business throughout Australia. Deposits in specified amounts are to be lodged with the Treasurer of the Commonwealth. Insurance business is divided into two classes, namely, (1) life insurance (including workers' compensation insurance) and (2) all other classes of insurance business. The requirements of the Act vary as between companies carrying on business at the commencement of the Act and after such commencement, and also as between local and foreign companies. New foreign companies must deposit £50,000 in respect of each class of business to be carried on by them. A foreign company incorporated or having its head offices outside the British Empire must deposit £60,000 in respect of each class of insurance business. By s. 7 (1) the Commonwealth Act overrides any State Acts to the extent to which those Acts require deposits from insurance companies, whether such Acts were passed before or after the commencement of the Commonwealth Act. Deposits held by States at the commencement of the Act are required to be returned to the depositing companies, which, in turn, are bound to hand over those deposits to the Commonwealth Treasurer, to the extent to which the deposits consist of money or securities acceptable under the Act. Certain classes of insurance are exempted from the provisions of the Act.

Judiciary.—The Judiciary Act (No. 60) gives to State courts having appellate jurisdiction in connexion with criminal trials the like jurisdiction in respect of offences against Commonwealth laws. The Jury Exemption Act (No. 59) modifies the existing law as to the exemption of officers of the public service from serving as jurors in any Territory forming part of the Commonwealth. Exemption in those cases is only to apply to such officers as are specified by regulation.

Nauru.—The Nauru Island Agreement Act (No. 54) approves an amending agreement made in relation to this mandated territory between the Imperial, Commonwealth and New Zealand Governments. The agreement provides that all laws made by the Administrator of the Island are to be subject to disallowance by the Contracting Government by which he is appointed.

Navigation.—Under s. 670 of the Merchant Shipping Act, light dues are payable by the owner or master of a ship deriving the benefit of lighthouses erected by the British Government, to which Government the amount collected in any British possession is transferred. Certain lights have been so erected in the West Indies. Acts Nos. 65–67 provide for the collection of the dues by the Commonwealth and the payment thereof to the British Government.

The Beaches, Fishing Grounds and Sea Routes Protection Act (No. 73) aims at preventing the discharge into certain parts of the sea, from vessels in Australian waters, of garbage, rubbish, etc., and prohibits, except under certain conditions, the sinking at sea, for the purposes of their disposal, of vessels and hulks.

New Guinea.—The Mandated Territory of New Guinea has been for some years administered by an Administrator on behalf of the Commonwealth pursuant to the New Guinea Act, 1920–26. Ordinances were made by the Governor-General, having the force of law in the Territory. The New Guinea Act (No. 51) is an advance towards local self-government in that it establishes an Executive Council consisting of eight official members and one non-official member and a Legislative Council composed of the Administrator and fifteen members, among whom are included the members of the Executive Council and seven non-official members nominated by the Administrator and appointed by the Governor-General. The Legislative Council has power to make Ordinances for the peace, order and good government of the Territory, but may not impose import duties discriminating against the Commonwealth. Ordinances require the consent of the Administrator or the Governor-General, but Ordinances assented to by the Administrator may be disallowed by the Governor-General within six months of assent. The Administrator is not empowered to assent to certain classes of Ordinances which must be reserved for the Governor-General's pleasure.

Public Service.—The Commonwealth Public Service Act (No. 72) provides machinery for effecting modifications in the existing law rendered necessary by changes in administrative arrangements. The Queensland Meat Inspection Agreement Act (No. 15) approves an agreement between the Commonwealth and the State of Queensland, under which, in order to avoid duplication of services, Commonwealth officers are to perform the inspection of all meat slaughtered at the abattoir of the Queensland Meat Industry Board.

Spirits.—Act No. 12 extends the period of maturity required in respect of whisky from two to three years, and authorizes the methylation of spirits for special purposes.

Sugar Industry.—The Sugar Agreement Act (No. 74) approves of an agreement between the Commonwealth and Queensland in relation to sugar manufactured and grown during the seasons 1933–34 to 1935–36 (inclusive) and places an embargo on the importation of sugar except with the consent of the Minister. This embargo had, in the past, been effected by means of a Proclamation under the Customs Act.

Taxation.—Certain temporary relief from taxation is provided for by the Financial Relief Act (No. 64). This Act is referred to under the heading of " Finance."

The Income-tax Assessment Act (No. 76) makes a number of amendments to the Income-tax Assessment Act. These amendments relate, *inter alia*, to the extension of the Act to the Territories of Papua, Norfolk Island and New Guinea and to the Northern Territory ; the exemption of British war pensions received by residents of Australia, of scientific research funds and of dividends paid out of certain interest derived by companies ; to ex-Australian business losses ; to the removal of double taxation of interest paid by Australian companies to absentee depositors or debenture-holders, and to the protection of mortgagors against attempts by mortgagees to pass on liability for income-tax on mortgage interest. The Income-tax Act (No. 75) makes no change in the rates of income-tax imposed in the previous year.

Several Sales Tax Assessment Acts (Nos. 39 to 47) were passed which have the effect of extending the list of exemptions from sales tax of certain classes of goods. These classes of goods include agricultural and other machinery and implements, primary producers' requirements such as spraying materials, binder twine, lime, rabbit traps, etc.

Trade.—Act No. 57 approves of the Agreement entered into at the Ottawa Conference, 1932, between the United Kingdom and Australia with regard to trade.

Unemployment Relief.—The Loan (Unemployment Relief) Act (No. 9) authorizes the raising of £1,800,000 for unemployment relief in the States.

War Service Homes.—Amendments made by the War Service Homes Act (No. 6) give the Commissioner power to effect repairs to any property of which he has taken possession. The expenses thereby incurred become a charge under the contract of sale or mortgage. By the War Service Homes Act (No. 2) (No. 68) the Commissioner is empowered to extend the period of repayment, and reduce the amount of each instalment payable, under a contract of sale or mortgage. The War Service Homes Agreement Act (No. 56) approves an agreement for the transfer of certain homes and securities from the State Savings Bank of Victoria to the War Service Homes Commissioner.

Wireless Broadcasting.—The Australian Broadcasting Commission Act (No. 14) establishes a body to undertake the provision and rendition of broadcast programmes from national broadcasting stations. This body is known as the Australian Broadcasting Commission and consists of five members. The Commission is vested with a number of powers incidental to its main functions, such as the publication of journals ; the power to purchase and dispose of property ; the provision of studios ; the collection of news ; the encouragement of the development of local talent, etc.

For the purposes of the Act an Australian Broadcasting Commission Fund is established. Subject to the approval of the Treasurer and the Ministry, the Commission is also empowered to issue debentures. In respect of these debentures, the Commonwealth guarantees the payment of the principal and interest. Technical services associated with the transmission of programmes are provided and operated by the Postmaster-General.

1. NEW SOUTH WALES.

Acts passed—70; Public—69; Private—1.

Farm Produce Agents.—Act No. 7 tightens up the Act of 1926, and provides, *inter alia*, that bonds must be taken out from insurance companies, approved by the Registrar. The provision in the 1926 Act relating to the keeping of trust accounts is repealed and heavy penalties for false or fraudulent accounts are substituted.

Gas and Electricity.—No. 4 is an Act to regulate the supply, consumption and use of gas and electricity. It provides for the appointment by the Governor of a Commissioner for Gas and Electricity, and for the constitution of a commission where an inquiry is to be held otherwise than by the Commissioner, for which purpose the Commissioner is to have the powers of a Royal Commissioner. It prescribes the standards of heating power, purity and pressure of gas, and provides for the regulation of companies, corporations, firms and persons supplying gas and electricity, particularly with regard to dividends, reserves, funds, accounts and the issue of shares.

Ministry of Transport.—Act No. 3 constitutes a Department of Transport and provides for a Board of Commissioners to carry out the functions of several transport bodies, viz. the Railway Commissioners, Metropolitan Transport Trust, Newcastle and District Transport Trust, Commissioner of Road Transport, Main Roads Board and State Transport Co-ordination Board. The Board of Commissioners comprises the Chief Transport Commissioner, and seven Transport Commissioners to control the seven branches of the Department, and a Commissioner of Police as *ex officio* member.

Unemployment Relief.—The Prevention and Relief of Unemployment (Amendment) Act, No. 5, provides that the State relief tax may be deducted from the salaries of Commonwealth employees, senators and members of the House of Representatives at the time of payment, instead of being paid in a lump sum from income-tax returns lodged by them.

Act No. 15 reduces the wages tax in certain cases. It makes it clear that unemployment relief tax is payable according to earnings per week, though wages are paid at intervals other than weekly. Wages paid on relief work are exempt.

Taxation of Bookmakers.—Act No. 20 discontinues the 1930 winning bets tax and substitutes 1 per cent. tax on the total amount of bets made by backers with any bookmaker. Penalties are also imposed for evasion of tax. It also reduces the tax on betting tickets from 3*d.* to 1*d.* in the saddling paddock, and from 1*d.* to ½*d.* in the leger or on the flat.

Cattle Inspection.—The Cattle Slaughtering and Diseased Animals and Meat (Amendment) Act, No. 38, provides that fees chargeable for inspection of cattle and skins may be varied to suit conditions in various parts of the State.

Co-operative Societies.—The Co-operation (Amendment) Act, No. 50, is a technical measure the object of which is the de-registration of societies under the Co-operation Act, 1923–31, and their re-registration under the Companies Act.

Crown Lands.—Act No. 69 provides relief for necessitous settlers for three years by a general reduction of 22½ per cent. in rent and interest. The Minister may postpone, waive or remit payment of the whole or part of the rent or interest if a settler is affected by flood, fire or drought. Arrears may be funded for a period up to twenty years, interest payable being 2½ per cent. Conditional leases, settlement leases, Crown leases and conditional purchase leases may be converted into leases in perpetuity at the option of the lessee.

Dairy Industry.—Act No. 55 prohibits the use of butter fat in the manufacture of margarine. It also provides that butter and margarine must not be manufactured on the same premises.

Family Endowment.—Act No. 9 amends the principal Act by including a director of a company in the definition of "employee" and directors' fees in the definition of "wages." A new part is added to the principal Act which provides that every employer shall contribute to the Family Endowment Fund, in the prescribed manner, such amount in respect of each £ of the total amount of wages paid by him each week to his employee as may be fixed by Act of Parliament. This subsection does not apply to an employer where the total amount of wages so paid by him does not amount to £3, nor to an employer which is a public hospital or public benevolent or charitable institution. The provision by an employer of board and lodging for an employee shall be reckoned as £1 per week in the total amount of wages as if it had been paid in wages. Employers must keep a record as prescribed of all payments of wages to employees and affix to the record the prescribed adhesive Family Endowment Contribution Stamps to the amount of the contribution payable by him in respect of such wages, and cancel such stamps at such times and in such manner as is prescribed. Such stamped record is to be preserved for a period of three weeks from the last date of payment shown thereon, unless the employer has obtained the consent in writing of the Commissioner of Taxation for its destruction, and the record must be produced for inspection at any time to any person authorized by the Commissioner of Taxation. Family Endowment Contribution Stamps are prepared and issued by the Commissioner of Stamp Duties, who provides for their distribution and sale, and the proceeds of sale are paid to the credit of the Family Endowment Fund. Where in any financial year an employer has affixed Family Endowment Contribution Stamps to the prescribed record of wages and during that year the sum of all payments of wages made by the employer was less than £156, or the employer was not required by this Act to affix such stamps, the Colonial Treasurer may refund to him an amount equal to the face value of such stamps, provided that application is made for the refund within twelve months after the last day of such financial year and the Commissioner of Taxation has certified that the applicant is entitled to such refund.

Where an employer fails to comply with the provisions of this part of the Act or any regulations made thereunder in respect of any payment of wages, the Commissioner of Taxation may in any assessment made under the Income-tax (Management) Acts or under the Prevention and Relief of Unemployment Acts disallow as a deduction from any assessable income derived by such employer the amount of such payment. An employer is liable to account for and pay to the Commissioner of Taxation any contribution to the fund which by such failure remains unpaid, together with a fine of 10 per cent. of such contribution. The Commissioner, if he considers the circumstances justify it, may remit or reduce the fine. In addition, an employer shall, upon summary conviction, be liable to a penalty of not less than £2 and not exceeding £100.

The Finance (Family Endowment Tax) Act, No. 10, levies on employers for payment to the Family Endowment Fund a tax at the rate of 5*d.* in the £ on wages paid.

Farmers' Relief.—Act No. 33 provides assistance to necessitous farmers and establishes machinery for the control of affairs while financial obligations are being liquidated. The measure is administered by a Farmers' Relief Board, consisting of a Director and two other members. The duration of the Act is three years.

Finances Adjustment.—Act No. 27 extends to Crown settlers and to municipal and shire councils the reduction in interest rates to a maximum of 4 per cent. It reduces widows' pensions from £1 to 17*s.* 6*d.*, and a child's from 10*s.* to 8*s.* 9*d.* The Government Relief Administration Act, 1930, is amended, and its functions are brought under the control of the Director of Government Relief. Provision is also made for the appointment of advisory committees.

Act No. 64 provides for 20 per cent. reduction in endowments to the University, the Public Library, the Art Gallery and Australian Museum. It also reduces allowances to students at teachers' colleges and holders of university and other scholarships and bursaries.

Friendly Societies.—Act No. 43 restores for 1931 and 1932, subject to a 20 per cent. reduction, the subvention in force prior to the amending Act of 1931. The future subvention is fixed on a basis approved by the Friendly Societies Association.

Racing.—The Gaming and Betting (Reduction of Racing Days) Amendment Act, No. 46, reduces the number of racing days per year in the metropolitan area from 136 to 111, and allocates the days to avoid clashing. Meetings postponed owing to weather must be held within fourteen days. Trotting licences are reduced from three to two in the metropolitan area. The Act also specially adjusts racing days in Newcastle.

Industrial Arbitration.—Act No. 39 empowers the Industrial Commission to determine standard hours in industries. It terminates the appointments of the Deputy Commissioner and Chairmen of Conciliation Committees, and provides for the appointment of one Conciliation Commissioner, with power to call compulsory conferences. The Commissioner may sit with or without members of the Conciliation Committee, who, when sitting, will act as assessors only and without a vote. Agreements reached by the Conciliation Commissioner are forwarded to the Industrial Registrar for settlement as awards. Provision is also made for an Apprenticeship Commissioner, who, with the Conciliation Committee, will constitute an Apprenticeship Council. The Industrial Commission will declare the living wage adjustments every six months.

The Industrial Arbitration (Eight Hours) Amendment Act, No. 17, allows s. 8 of the Act of 1930, relating to the rationing of Crown employees, to be extended from time to time.

Interest Reduction.—Act No. 42 amends the Act of 1931 and provides that companies and shareholders may make mutual arrangements with regard to the rate of interest in connexion with the issue of preference capital made since October 1931. The method of adjustment between varying classes of preference shareholders and ordinary shareholders rendered necessary by the interest reduction of the Act of 1931 is defined.

Landlord and Tenant.—Act No. 67 repeals the Ejectments Postponement Acts, 1931 and 1932, and the Landlord and Tenant Act, 1899. It provides for the postponement of ejectment of persons in impoverished circumstances, and also for the reduction of rent in certain cases. The court may order postponement for a period up to three months, with one additional postponement not exceeding one month, with power to order an occupation rent if circumstances warrant. The court has power to refuse postponement if the owner would suffer undue hardship. The Minister is entitled to be represented at the hearing of the application. Provision is also made for a reduction of 22½ per cent. in rents subsisting at June 30, 1930; for rentals after that date, either the tenant or the landlord may apply to the court for special determination on the basis set out by the Act.

Small Holdings.—The Local Government (Small Holdings) Act, No. 61, enables shires and municipalities to acquire land for small holdings and to lease the holdings for agricultural purposes. Land must be certified as suitable for cultivation by the Minister of Agriculture.

Maritime Services Co-ordination Board.—Act No. 54 appoints a board of five members, the function of which is to report and draft legislation for the improvement of maritime services now carried out by the Sydney Harbour Trust, State Navigation Department, Reclamation Trust and the Dredges Branch of the Public Works Department.

Married Women.—The Married Women (Lecturers and Teachers) Act, No. 28, terminates the employment of married women teachers and lecturers in the Department of Public Instruction as from a day to be appointed by the Governor and notified by proclamation published in the *Gazette*, whether or not they have been appointed under an agreement to serve for a specified period, and none is to be employed thereafter except in the following circumstances. Where the Board certifies to the Minister that there are special circumstances which make her employment for a period specified in the certificate desirable in the public interest, a further certificate may be given from time to time for an additional period specified therein if the retention of such married woman is still desirable in the public interest. The services of a married woman lecturer or teacher appointed or employed immediately prior to the appointed day shall be retained from year to year if the Board certifies prior to the said day and during the month of October in each year thereafter to the Minister that it has been satisfied by her that (i) she is at the date of the certificate living apart from her husband and has not during the preceding six months received adequate support from him, having regard to her financial commitments and other circumstances; or (ii) that during the year next preceding the day upon which the certificate is given the combined income of her husband and herself from all sources other than income received as such lecturer or teacher is, having regard to their financial commitments and other circumstances, inadequate for the support of herself, her husband and dependents. The Minister in his discretion may at any time, upon one month's notice, terminate the appointment or employment of an officer or employee whose services have been so retained.

A female lecturer or teacher of the Department who intends to marry shall notify the Minister in the manner and at the time prescribed by regulations of such intention, and from the date of her marriage she shall cease to hold office unless (*a*) she is under an agreement to serve such Department for a specified period, in which case her employment may be continued by the Minister until the expiration of that period; or (*b*) the Public Service Board has prior to her marriage certified to the Minister that there are special circumstances which render her employment for a further period specified in the certificate desirable in the public interest.

For the purposes of the Superannuation Acts, a termination of employment shall be deemed to be (*a*) "retirement" if the contributor has attained the age at which her right to retire has accrued; (*b*) "retrenchment" if the contributor, not having attained such age, has at least ten years' service; and (*c*) "discharge" if she has not attained such age and has less than ten years' service. Every married woman upon the termination of her employment by the operation of this Act shall be entitled to be paid the monetary equivalent of any leave of absence of whatever nature which shall have accrued to her under the Public Service Act, 1902, or the regulations thereunder, based on her full nominal rate of salary at such termination. Nothing in the Act shall affect the wives of classified teachers in charge of fifth or sixth class schools so far as the giving instruction by them in needlework or domestic arts is concerned.

Meat Industry.—Act No. 6 dissolves the Metropolitan Meat Industry Board and replaces it by a Metropolitan Meat Industry Commissioner, a sole authority, responsible for the administration of the abattoirs. Provision is also made for an advisory council of five members representing all interests.

Moratorium.—No. 57, an amending and consolidating Act, is a highly technical measure altering the whole incidence of moratorium legislation.

Parliamentary Allowances and Salaries.—Act No. 45 provides for further reduction on allowances to members of the Legislative Assembly and on salaries of Ministers of the Crown.

Cremation.—The Public Health Amendment (Cremation) Act, No. 32, makes further provision for the erection of crematoria. Any person may establish a crematorium subject to the consent of the Minister and local council as to site and plans.

Public Service.—Act No. 30 amends s. 9 of the Act of 1902 and gives the Government power to direct the Public Service Board to inquire into, and report upon, the management of State public departments outside the provisions of the Public Service Act, the Parliamentary staff excepted.

The Public Service Salaries (Amendment) Act, No. 14, continues the reductions in Public Service salaries for a further period of one year, *i.e.* until August 1933, and Act No. 68 rectifies anomalies caused by the application of the reduced basic wage declared in August 1932.

Rural Bank.—Act No. 63 reconstructs the Rural Bank of New South Wales and provides for the appointment of three commissioners for the management of the reconstructed bank.

Stamp Duties.—Act No. 53 reduces the stamp duties or agreements for the hire of motion picture films from 5*s*. for every £50 rental value to 1*s*. for every £25 rental value.

State Coal Mines.—Act No. 36 establishes a State Coal Mines Control

Board, composed of the Under-Secretary of Mines, a representative of the Department of Railways, and an officer of the Department of Mines. The control of the State coal mine is removed from the Railway Department to the Board.

Transport.—The Transport (Division of Functions) Act, No. 31, is an administrative measure relating to the control of transport services. It removes the Transport Co-ordination Board of eight members and replaces it by the Ministry of Transport.

Water Conservation and Irrigation.—Act No. 45 provides for the constitution of a Water Conservation and Irrigation Advisory Committee to report and draft legislation for the better management of water conservation and water supply works.

Presumption of Death.—The Wills, Probate and Administration (Amendment) Act, No. 49, *inter alia*, makes provision to meet the case where probate or administration has been granted of the estate of a person presumed to be deceased who later reappears. It removes liability of the personal representatives of the supposed deceased, but with sufficient safeguards.

2. QUEENSLAND.

[*Contributed by* J. E. BROADBENT, ESQ., I.S.O., *Parliamentary Draftsman of Queensland.*]

Measures passed—37 (including one Bill reserved).

Financial Emergency Relief Extension.—Act No. 10 continues the operation of the Purchasers' of Homes Relief Act of 1930, Part VI (Interest Reduction) of the Financial Emergency Act of 1931, the Mortgagors' Relief Act of 1931 and the Lessees' Relief Act of 1931, and at the same time broadens the bases thereof.

The Purchasers of Homes Relief Act is extended to December 31, 1933, but may be further extended by Order in Council. This Act gives a purchaser of a home an opportunity to approach the magistrates' court for extension of time for repayments, relief of certain covenants, and for an order setting forth that during a specified time interest only shall be payable. A purchaser who may have already obtained an order for relief may apply for a further order. The jurisdiction is limited to home purchases of £1,250.

In regard to the extension of Part VI (Interest Reduction) provisions of the Financial Emergency Act of 1931, the term "mortgage" is greatly extended and hire purchase agreements brought under the definition. An automatic reduction of interest to 22½ per cent. is prescribed in respect of mortgages (as defined by the Act) existing on July 1, 1931. Such reduction, however, shall not reduce the rate of interest below 5 per cent., and shall be inclusive of any reduction made since July 1, 1931, whether voluntarily on the part of the mortgagee or by court order. Any such reduction applies only in respect of interest accruing due after the passing of the Act (*i.e.* October 18, 1932). Certain exceptions were made from the automatic interest reduction provisions, *i.e.* in respect of fluctuating advances made by way of bank overdraft secured by a mortgage by any corporation, primary producers' co-operative association, company or firm and in respect of certain mortgages given by mutual loan building societies. In respect of these exceptions, however, while the automatic provisions as to interest reduction do not apply, a mortgagor concerned may apply to the court for a reduction of interest. Where, however, the automatic interest reduction provisions apply, a mortgagee may apply to the court for an order varying or excluding the automatic provisions in respect of his mortgage. In regard to mortgages made after July 1, 1931, and those mortgages (referred to above as excluded from the automatic provisions), power is given for the mortgagor to apply to the court for a reduction of interest, and such reduction is in the discretion of the court, taking into consideration all relevant economic and financial circumstances.

In all cases (whether automatic or otherwise) the mortgage must be in existence on the passing of the Act (*i.e.* October 18, 1932).

Special provisions permit of orders being made by the court in respect of dividends payable to preference shareholders, by application on the part of the company concerned or by a shareholder. Where in respect of any mortgage the rate of interest is not readily ascertainable, in default of agreement between the parties, either party may apply to the court for an order of interest reduction.

In respect of amendment to the Mortgagors' Relief Act, this measure has been extended to December 31, 1933, and may be further extended by Order in Council. The amending measure embraces all mortgages existing on October 18, 1932.

It also enacts, in addition, that a mortgagee cannot call up or demand payment from a mortgagor of the whole or any part of the principal sum secured by the mortgage or to appoint a receiver or take steps to have a receiver appointed unless pursuant to the procedure laid down by the Act. In other words, a mortgagee before proceeding with execution, or calling up the principal, or appointing a receiver, must give the prescribed notice to the mortgagor; the latter then has an opportunity to approach the court for relief, which relief may be in the nature of postponement of the action desired to be taken by the mortgagee, relief from covenants, extension of time to pay principal and interest, and the making of interest only payable for a prescribed period. The term " mortgagor " has been also extended and also includes a hire purchase agreement; the term " mortgagor " also includes a guarantor.

Special provisions were also inserted to meet cases of hardship or cases of undue pressure on the part of the mortgagee prior to commencement of the Act. Provision is also made for the court to grant relief against judgments in certain cases in that a judgment debtor may obtain time within which to pay off the judgment debt.

In regard to the Lessees' Relief Act, this measure has also been extended to December 31, 1933, and may be further extended by Order in Council. A lease must be in writing and of not less than one year's duration, and must be in existence on October 18, 1932. Reduction of rent up to 22½ per cent. may be ordered by the court in its discretion, taking in view economic and financial circumstances, and such reduction may be made for a period not exceeding three years from the date of the order; the reduction of rent must be inclusive of reductions already voluntarily made by the lessor or by court order; relief from certain covenants, such as painting, etc., is also continued.

Industrial Conciliation and Arbitration.—Act No. 36 provides for the regulation of the conditions of industries by means of conciliation and arbitration, and establishes an Industrial Court with wide jurisdiction and powers.

The measures of 1929–31 are repealed, and this present measure is based to a large extent on the principles of the Arbitration Acts, 1916–25.

An Industrial Court is constituted, consisting of a Supreme Court judge as president, and two members. Judicial functions are vested in the President and each member. The President or any member sitting alone constitutes the court, and if more than one member is sitting at the same time, each member constitutes the court.

The court will have the powers and jurisdiction of the Supreme Court in addition to its powers under this Act. When the court is constituted by the President sitting with another member or members, the decision of the President upon any question as to jurisdiction or as to the construction of the provisions of the Act shall prevail and be the decision of the court. The Full Bench will have power and authority to make declarations as to the basic wage and standard hours. In the making of such declarations the court shall take into consideration the probable economic effect of any such declaration in relation to the community in general and the probable economic effect thereof upon industry or any industry or industries concerned. On the declaration of the basic wage the Registrar will have power (subject to appeal to the court) to adjust awards in conformity with the basic wage declaration. Statutory provisions deal with preference. Where it is mutually agreed by the parties concerned or considered advisable by the court that preference be granted either generally or to any particular union or organization, such preference shall be granted subject to such conditions as the court may approve.

S. 10 recognizes the 44-hour week basis. It is, however, provided that the court shall not be required to observe the direction as to the 44-hour week provision if it is of opinion that in respect of any industry or calling substantial unemployment will result or that the community in general will be prejudicially affected. The 44-hour week provisions do not operate until July 1, 1933.

The jurisdiction of the court is to be exclusive and there is to be no appeal to the Supreme Court. There is, however, an appeal from a member to the Full Bench. The court will have wide power to convene conferences with a view to the settlement of disputes. Ample power is prescribed whereby employees of the Government may approach the court for an award.

A strike is to be deemed unauthorized unless a proper ballot is taken and the machinery laid down by the Act duly observed. In the same way a lock-out must be an authorized lock-out within the meaning of the Act. Penalties are prescribed for unauthorized strikes or lock-outs.

It is provided that no company, corporation or firm shall proceed to the issue to any of its employees of any shares in the company, corporation or firm concerned until the consent of the court has first been obtained. No deduction from the wages of any employee to whom any such shares shall be issued pursuant to any consent of the court shall be made for or in respect of calls on any such shares so issued to any employee.

Provisions dealing with the registrations and industrial agreements are in the main re-enactments of existing law subject to certain minor amendment. The usual powers are prescribed as to enforcement of awards, the powers of industrial inspectors and the regulation-making provisions.

Bureau of Industry.—The genesis of this measure (No. 25) may be found in the Premiers' Conference of June 1932, which reviewed the Premiers'

Plan of 1931 and definitely recognized that there was a duty on the part of the Commonwealth and States to initiate a progressive policy of expenditure on reproductive works for the purposes of providing work for those people who had neither work nor wages. This measure was passed as part of the scheme to encourage employment and rehabilitate industry.

A Bureau of Industry is constituted. This Bureau is representative of the agricultural, commercial, industrial and governmental interests of the community. The members are fifteen inclusive of *ex-officio* members, namely the Minister, Director, Public Service Commissioner, Chairman of the Land Administration Board, Under-Secretary of the Department of Labour and Industry, Commissioner of Main Roads and the Under-Secretary for Works. The Director is the executive officer of the Bureau.

The Bureau will assimilate all the powers of the previous Bureau of Economics and Statistics. It will make inquiry into the economic conditions of the State, including income production and industrial efficiency thereof; it may inquire into causes of unemployment and consider the most effective means for alleviating unemployment; it may investigate proposals for the productive development of the lands of the State and its mineral resources, and investigate and consider proposals for new public works or the creation of new industries.

There shall also be set up a Rural Development Committee, a Roads, Mining and General Works Committee, and an Administrative Finance and Industrial Committee with prescribed powers of inquiry and advice. Certain district employment boards will be constituted in prescribed districts, thereby linking up the various portions of the State, and thus the whole scheme for the encouragement of employment and rehabilitation of industry will be co-ordinated.

Wide powers are given for the collection of statistics, for the holding of inquiries and for the making of regulations necessary to give effect to the measure.

Income (Unemployment Relief) Tax.—Act No. 11 ratifies an Order in Council issued on July 29, 1932, increasing the rate of unemployment tax, and prescribing the rate on the basis of income earned. Subject to certain exemptions and adjustments, the tax has been fixed on the following scale: 3*d*. in the £ on incomes not exceeding £104 per annum; 6*d*. in the £ on incomes exceeding £104 but not exceeding £208 per annum; 9*d*. in the £ on incomes exceeding £208 but not exceeding £499 per annum; 1*s*. in the £ on incomes exceeding £499 per annum.

In addition to the exemptions already granted by the previous Acts, casual washerwomen and casual employees in private homes are exempt. Certain definite rates in the first place are fixed in respect of workers engaged in seasonal and casual employment. Sugar field and sugar mill employees and employees in the shearing industry will pay in the first instance at the rate of 9*d*. in the £. Waterside workers, casual storemen and packers, casual painters and dockers, coal workers and lightermen will pay in the first instance at the rate of 6*d*. in the £. Such payments are to be subject to adjustment according to the total emoluments received during the year.

These provisions are for the purpose of obviating overhead charges of collection and costs of administration generally.

It is also distinctly provided that in future the rate of tax shall not be increased by Order in Council.

State Transport.—Act No. 24 is in the nature of a measure to co-ordinate transport generally. The Act of 1931 is repealed and the Board constituted thereunder is abolished. A State Transport Board is constituted, consisting of three members—the Commissioner for Railways, the Commissioner of Main Roads and the Commissioner of Police. The duty of the Board is to make such inquiries and investigations into transport matters as the Minister may direct. In the conduct of an investigation the Board may utilize the services of officers of any government department with the approval of the Minister of the department concerned. In investigations, certain factors are to be taken into consideration, such as the question of transportation generally in the light of service to the community, the needs of the State for economic development and the impartial and equitable treatment of conflicting interests.

Traffic routes may be declared. The Board shall have power to prohibit the carriage by any heavy vehicle of passengers and/or of such goods on such traffic routes as may be notified by the Minister in the Gazette, and/or may allow the carriage of passengers and/or of such goods on such traffic routes subject to the compliance by the owner or user of the heavy vehicle with prescribed terms and conditions.

The Board is to have power to exempt from the requirements of registration any vehicle which in the opinion of the Board is engaged solely in carrying passengers or goods not in competition with any existing facility. The operator of a motor-vehicle must obtain a certificate of competency. The Commissioner of Police shall and may withdraw or cancel a certificate of competency as an operator of a motor-vehicle issued to any person if so directed by a judge of the Supreme Court or any police magistrate who is of opinion that the person to whom the certificate has been issued should not in the interests of the public be permitted to operate a motor-vehicle. Wide power is prescribed in the making of regulations.

Land.—The main purport of this Act (No. 16) is to revert to the perpetual lease tenure in the opening for selection of lands, subject to existing rights. All land open on December 1, 1932, for agricultural selection and not selected shall on and after that date be available only for perpetual lease selection, and all land open on that date for prickly pear selection and not selected shall on and after that date be available only for perpetual lease prickly pear selection. On and after December 1, 1932, land opened for agricultural selection shall only be opened for perpetual lease selection, and land opened for prickly pear selection shall only be opened for perpetual lease.

State Advances Corporation Buildings Improvement.—Act No. 19 approves of an arrangement between the State Advances Corporation and the Treasurer in regard to advances to certain persons for improvement to their residences. The Act is passed with the object of reviving the building trade and thereby relieving unemployment. Loans up to £300 may be made on the prescribed security to persons for improving their residences. The maximum rate of interest is 5 per cent., and the term of the loan ten years. The Act may be extended to cover other buildings, whether residences or not. So far as practicable, unemployed tradesmen shall be employed on the works.

Farm Produce Agents.—This amending Act (No. 21) provides that a farm produce agent when making application for registration shall lodge the prescribed fidelity bond or other prescribed security with the court.

Elections.—Act No. 23 makes further amendment in the Elections Act (mainly to the Act of 1930), in that it restores the electoral qualification in State elections to what it was in the 1915 Act, namely six months' residence in the Commonwealth, three months' residence in the State, and one month's residence in an electoral district. An elector who has changed his place of living from the district for which he is enrolled to another district shall not on that account be disqualified from voting at an election for the district for which he is enrolled until his name has been enrolled for some other district.

Provisions, too, permit of a person voting under declaration whose name has been wrongfully erased or omitted from the roll.

An elector failing to vote may elect to be dealt with summarily by the principal electoral officer instead of by court proceedings.

Local Authorities.—Act No. 27 restores the adult franchise in respect of local authority elections instead of the occupier franchise as enacted by the Amendment Act of 1929. The electoral rolls will be the basis of qualification of voting or for candidature as mayor or alderman. The mayor or chairman will be elected by the electors of the whole shire; if the area is not divided, the other aldermen will be elected by the electors of the whole area—if divided, the aldermen will be elected by the electors of the respective divisions of the area.

Super Land Tax.—The super land tax was reimposed during the financial year 1932–33 by Act No. 28.

Fish and Oysters.—Act No. 30 restricts the taking of explosives on board fishing-boats and prevents the dynamiting of fish.

Dairy Cattle Improvement.—Act No. 32 provides for the licensing of bulls, and aims chiefly in the direction of improving the breed of dairy cattle.

Judicial Proceedings (Regulation of Reports).—Act No. 34 repeals the measure passed in 1931 dealing with the regulation of divorce and other reports in the press.

Prickly Pear Land and Forestry Administration.—Act No. 6 constitutes the Land Administration Board to be also the Prickly Pear Board and the Forestry Board under the State Forests and National Parks Acts. This measure was passed to facilitate and co-ordinate administration and legislation dealing with land and forestry.

Roads Fund.—A Main Roads Fund Transfer Approval Act, No. 20, authorizes the diversion during the financial year 1932–33 of an amount not exceeding £250,000 from the Main Roads Fund to the Consolidated Revenue subject to certain conditions, including that of repayment to the fund when finances permit.

3. SOUTH AUSTRALIA.

[*Contributed by* E. L. Bean, Esq., M.A., LL.B., *Parliamentary Draftsman.*]

During the Parliamentary Session of 1932 forty-two Acts were passed. Once again the attention of Parliament was principally occupied by measures designed to deal with the economic troubles of the State, and in particular with the financial plight of primary producers brought about by low prices. The following are the principal measures passed.

Farmers' Relief.—Act No. 2100 continues the scheme for financing farmers and protecting them against their creditors, which was inaugurated by the Farmers Relief Act, 1931 (No. 1996). The purpose of the farmers' relief legislation is to enable the Government to provide seasonal finance for farmers to enable them to sow and harvest their crops, and to grant them something in the nature of a moratorium until after the harvest. The present Act re-enacts the legislation of 1931 with minor amendments so as to extend it to the season 1933–34.

Debt Adjustment.—The debt adjustment legislation of this State, like the farmers' relief legislation, is for the purpose of assisting farmers, but it deals with a different type of person, namely, the farmer who can find sufficient ready money to carry him on from season to season but who requires more than a merely seasonal moratorium for the purpose of enabling him to place his finances in order. The original Debt Adjustment Act of 1929 provided that protection certificates could be issued at any time until June 30, 1932, but owing to the prolonged economic depression in the agricultural industries there has been a strong demand for keeping the legislation open for a further year. Act No. 2068 therefore provides that protection certificates can be issued at any time not later than June 30, 1933. The effect of the protection certificate is that the farmer's affairs are placed under the control of a State official who keeps the farmer under his supervision until satisfactory arrangements are made with the creditors. Whilst the farmer is under supervision his creditors' rights are suspended.

Landlord and Tenant (Rent Reduction).—Act No. 2092 is another consequence of the economic depression. We have had in previous years laws reducing interest on the internal loans of the Government, interest on mortgage debts, and salaries and wages, and on the same principles Parliament has now enacted some rules for the reduction of rent. The general principle of the Act is that the reduction is limited to rents which were fixed between January 1, 1919, and June 30, 1931, these dates being selected as marking the beginning and end of the boom period, when all values were inflated. A lessee who wants his rent reduced and cannot get a reduction by agreement with his landlord must apply to a local court for an order. The court is required to make an order reducing the rent by 22½ per cent., unless it is satisfied that owing to any unusual terms, conditions or covenants in the lease, or the conduct of either party in relation to his rights or obligations under the lease, it is inequitable to grant any reduction or the full reduction mentioned. Every reduction ordered by the court remains in force for three years from the commencement of the Act or until the expiration of the term of the lease, whichever occurs first. No lease for less than a year is subject to the Act.

Subdivided Land Debts.—A few years ago, when the prices of wheat, wool and other primary produce were high, many farmers throughout the State were induced to buy blocks of suburban land on extended terms. The method of the agents selling the land were in many cases dishonest, and much of the land bought is now of little or no value; and when many hundreds of farmers found themselves unable to meet their liabilities under the contracts which they had entered into, they put up a very strong demand for legislation to relieve them from their liabilities. Parliament was not willing to violate the sanctity of contract to the extent of completely cancelling the contracts, but adopted a milder scheme for giving relief. Act No. 2104 provides for the appointment of a Commissioner who has power to revise the terms of any contract, having regard to the means of the buyer. He may extend the time for completion of the purchase, and reduce the interest payable under the contract to any rate which he deems applicable. If the purchaser has no reasonable possibility of carrying out his contract in full within ten years from the commencement of the Act, the Commissioner has a wide discretion to order any modifications, reductions or postponements of the liabilities of the buyer which he deems equitable. If it is shown that any purchaser was induced to enter into his contract by false representation, the Commissioner may, notwithstanding that the buyer has affirmed the contract with knowledge of the falsity of the representations, order any modifications, reductions or postponements of the liabilities of the purchaser and vendor which he thinks just, or may release the purchaser and the vendor from any unfulfilled obligations. The Commissioner is also empowered to give consequential relief to the vendors and their predecessors in title commensurate with the relief given to the purchasers against the vendors. The Act is limited in its operation in that applications have to be made within six months from a day to be fixed by the Commissioner.

Ministerial and Parliamentary Salaries.—Act No. 2084 continues the temporary reduction of salaries of members of Parliament which was made by the Financial Emergency Act, 1931 (No. 2002). The reduction is at the rate of 10 per cent. and is continued for a further period of twelve months from December 1, 1932.

Liens on Fruit.—Act No. 2071 deals with the position of the holder of a lien over a crop of fruit. It is common in the fruit-growing areas of this State for fruit growers to assign their growing crops of fruit as security for advances. These assignments are called liens. The right of the lienee, in the event of the default of the fruit grower, is to harvest and sell the fruit and pay his own debt. Under this Act, however, certain charges are given priority to the claim of the holder of the lien; and he is required, before exercising his right to seize and sell the fruit, to satisfy these charges. The charges to which priority is given are the following: (*a*) If the orchard whereon the fruit is grown is held under an agreement for sale and purchase from the Crown, one year's instalments of purchase-money and interest must be paid: (*b*) If any water rates are due to any water authority for water supplied to the orchard, the amount so due, not exceeding one year's rates, must also be paid.

Motor-vehicles.—The principal provision of interest in Act No. 2095 is that which abolishes the speed limits for motor-vehicles. Prior to the passing of this Act South Australian law has made it an offence to drive a motor-vehicle in any particular locality in excess of an actual speed per hour prescribed for that locality. These speed limits are now repealed and in their stead there is substituted a provision prohibiting driving "at an excessive speed." It is *prima facie* evidence of excessive speed if it is shown that the defendant drove in a municipality, town or township at a greater speed than 25 miles per hour, or outside a municipality, town or township at a greater speed than 40 miles per hour. It is, however, open to the defendant to show that although he exceeded the speeds mentioned, his speed was not in the particular circumstances excessive.

Another amendment made by the Act relates to the offence of driving negligently. Under the old law negligent driving was an offence, and the courts interpreted the provision to mean that any negligence (not necessarily negligence of the "culpable" or "criminal" variety) was sufficient to support the charge. Parliament altered this state of the law by enacting that to constitute an offence the driving complained of must be culpably negligent.

Administration and Probate.—Act No. 2093 enacts some rules relating to the conduct of trustee business by the Public Trustee. The Public Trustee is a government official who acts as trustee of very many estates on behalf of the general public. The laws under which he has been working required him to invest separately the funds belonging to each estate, and to credit to each estate the actual amount earned by the investments representing the moneys of that estate. In practice, however, the Public Trustee has found it convenient to invest all moneys coming into his hands as one common fund and to average the interest received from the whole of the investments in the common fund, and to credit to each estate interest at a uniform rate. This procedure, while undoubtedly making for security, and beneficial to the estates as a whole, was technically a breach of trust. By this Act the Public Trustee is expressly authorized to act in accordance with the procedure mentioned.

Succession Duties.—The object of Act No. 2094 is principally to enact certain provisions requiring moneys received by the same person on the death of the same person under different instruments to be aggregated for the purpose of computing the amount of succession duty payable. The Act was rendered necessary by a practice which had grown up of splitting estates for the purpose of paying succession duty at a lower rate.

Draught Stallions.—The object of Act No. 2076 is to raise the standard of draught-horse breeding in South Australia by providing that stallions used for stud purposes must be certified as sound, *i.e.* free from such hereditary diseases and defects as are prescribed by regulation from time to time. Examinations are to be conducted annually by veterinary surgeons, stallions under two years of age being exempt from examination and certificated stallions of five years of age or more being exempt from further examination.

Roads (Opening and Closing).—Act No. 2096 is a consolidating and amending Act which makes provision for the opening and closing of roads by road authorities. In South Australia control over roads is exercised by the Commissioner of Highways, who is a government official charged with the duty of constructing and maintaining certain main roads, and by municipal and district councils whose functions extended to all other roads. By the Act these authorities are given general power to open new roads and alter existing roads. For these purposes they may acquire land by purchase, exchange or compulsory process. The Act also provides for the closing of unnecessary roads by road authorities after proper inquiry and after opportunity of objection is given to persons opposed to the closing. By the law of this State the land comprised in a road is vested in the road authority ; and the Act provides that after a road is closed the fee simple of the land comprising it is vested in the road authority absolutely and may be sold or otherwise disposed of ; but it must first be offered to the owners of the adjoining land. The standard width of new roads is laid down at 66 feet for main roads and 40 feet for other roads.

4. TASMANIA.

[*Contributed by* R. G. OSBORNE, ESQ., B.A., LL.B., *and* H. J. SOLOMON, ESQ., B.A., LL.B.]

Acts passed—58.

Contained among the statutes of this session is the most important Act passed for some years—the Supreme Court Civil Procedure Act.

This Act, amounting to some 700 pages, completes the fusion of law and equity commenced in Tasmania by the enactment of the Legal Procedure Act, 1903 (3 Ed. VII, No. 19). It has therefore been thought advisable to summarize this Act rather fully, as being of more than usual interest to practitioners overseas and students of comparative law. Some of the more important of the remaining Acts are summarized below:

Apiaries.—Act No. 56 makes it obligatory on beekeepers to keep their bees in frame hives in registered apiaries. Any outbreak of disease is to be immediately notified to the bee inspector, who is authorized to destroy any bees and hives which he has reasonable ground to believe to be affected with disease.

Bookmakers.—Act No. 39 legalizes betting on racecourses during race meetings and also in buildings and premises approved by the Commissioner of Police for the purpose, and provides for the registration of bookmakers, who must act in conformity with specified conditions as to issue of tickets bearing impressed revenue stamps, furnishing of returns to Treasurer, etc.

Education.—Act No. 22 continues the work of consolidation which is being attempted by consolidating the Acts relating to education, which in Tasmania is free and compulsory, and is controlled by an Education Department under a Director. Provision is made for the granting of bursaries and for registration of private schools.

Firearms.—Act No. 53 provides for the regulation of the sale and use of firearms. No person shall keep, sell, buy or carry any pistol unless duly authorized. A pistol is defined as a firearm having a barrel not exceeding 16 inches in length. Obsolete pistols and trophies of war may be exempted from registration by certificate of an authorized officer, who may also issue (in respect of any pistol) a buyer's certificate, a certificate of registration, a dealer's licence or a permit to carry. These documents must not be issued to a prohibited person, a person of intemperate habits or unsound mind or a person under 18 years. A permit to carry may only be issued to the holder of the certificate of registration of the pistol in question. The manufacture, sale or possession of firearm silencers is made an offence (penalty £50 or six months or both). On a conviction under a charge of any offence under the Act, any pistol seized may be confiscated.

Members of Parliament Doubts Removal.—Act No. 12 was the result of a difficulty which arose in relation to certain members of Parliament who had received loans and assistance from the State under (*inter alia*) the Unemployed Relief Act and the Unemployed (Assistance to Primary Producers) Relief Act. S. 19 of the Constitution Act provides that "any person who executes, holds or enjoys . . . any contract or agreement for or on account of the public service shall be incapable of being elected or of sitting . . . as a member of the House of Assembly." The same provision is applied to the Legislative Council by the Constitution Amendment Act, 1870, s. 6. Doubts having arisen whether the acceptance of loans as above set forth fell within these sections, this Act indemnified and validated the election of such members in respect of contracts entered into before the date of the Act—a step which, without discussing the merits of the specific case, seems a dangerous use of a governmental majority to prevent a possible change in the constitution of the House.

Mortgage Interest Reduction.—Act No. 9 extends for another twelve months the moratorium imposed by the Mortgage Interest Reduction Act of 1931 (22 Geo. V, No. 8).

Livestock.—Act No. 54 consolidates the law as to stock. It empowers the Government to prohibit the importation of stock which are calculated to disseminate disease, and provides for inspection of imported animals and for quarantine. Owners of diseased stock are bound to report to an inspector, who may make a report in reliance on which the Minister may order the destruction of the stock affected, or which has been in contact with such stock. Part VII of the Act provides for the registration of stock brands, Part VIII with the registration of stallions and Part IX contains special provisions for the prevention of the stealing of sheep and cattle.

Supreme Court Civil Procedure.—This Act (No. 58), which has been reserved pursuant to the Colonial Courts of Admiralty Act, 1890, was drafted by His Honour Mr. Justice Clark, a puisne judge of the Supreme Court of Tasmania, and submitted to several Parliamentary Committees, which finally recommended the enactment of the Bill as drafted by His Honour with some minor amendments. The Committee deliberated long on the question of principle—whether the "Judicature System" should be adopted *in toto*; whether the existing common law procedure should not be retained and equity procedure drastically reformed; whether some new and simpler method of procedure could not be evolved which would be sufficient for the needs of the Tasmanian community, admittedly not unduly given to litigation; whether the High Court Rules should not be adopted for all purposes; whether the Civil Procedure Code of the Straits Settlements[1] should not be adopted; whether such a simple set of rules as the Probate Rules (Contentious) made under the Court of Probate Act, 1857, or the Rules of the Vice-Admiralty Courts, 1883, could not be modified and adopted for all purposes. The weight of precedent, and the desirability of retaining the similarity with English procedure, plus the obvious practical advantages of having available the admirable modern English practice books, eventually decided the question in favour of the English procedure and the whole of the English procedure.

The Act is divided into fourteen parts:

Part I relates to the jurisdiction of the Supreme Court and to the procedure and practice of the court in the exercise of its jurisdiction and contains the rules as to the concurrent administration of law and equity contained in s. 24 of the Judicature Act, 1873, and in ss. 36 *et seq.* of the Consolidating Judicature Act of 1925, and also the rules of law contained in s. 25 of the former Act. The rules as to damage by collisions between vessels contained in the Maritime Convention Act, 1911, are also set out among the rules of law.

Part II deals with the organization of the court and the allocation of business. It contains a novel provision, probably very strange to those accustomed to a comparatively numerous bench, conferring the right on a party to an appeal to object to the appeal being heard by a full court consisting of two judges one of whom is the judge who gave the judgment which is the subject of the appeal.

Parts III and IV relate to sittings and to trials. In effect, the provisions as to trial, juries, etc., are the same as those now in force in England, and are regulated by the Rules of Court. Ordinarily trial is to be by a judge without a jury, but any cause may be ordered to be tried with a jury; in pure common law actions a jury must be ordered if there is an application by any party for that mode of trial.[1] The question of trial by jury was anxiously considered by the Parliamentary Joint Committees which considered the Bill, and after much hesitation the English system was adopted. This would seem to point to a gradual discontinuance of jury trials in the ordinary action—a tendency which even under the Common Law Procedure Acts was becoming more definite. A novel provision is contained in s. 53, which provides that the right of any party to an action tried with a jury to have the issues of fact left to the jury "with a proper and complete direction to the jury upon the law and as to the evidence applicable to each issue of fact" may be enforced by the full court by the usual method of an application for a new trial or by appeal.

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[1] Ordinance No. 31 of 1907—see the Laws of the Straits Settlements, Rev. Ed., vol. 2, p. 331.

Part V relates to new trials and appeals. It contains some familiar rules which do not seem to have been given statutory force before, such as the rules as to the discovery of fresh evidence and as to surprise at the trial.

Part VI contains much novel and interesting legislation on the difficult subject of proceedings by and against the Crown, and is very decidedly in the modern vein. The special privileges and peculiar remedies of the Crown are almost entirely swept away, and actions by and against the Crown are placed in the same position, so far as possible, as actions between subject and subject. S. 64 sets out at length the jurisdiction of the court in actions against the Crown; it includes claims in contract and tort, for the recovery of or establishment of title to property, for compensation for property taken under the prerogative, and for compensation for salvage services—the latter subject being dealt with in some detail. Lord Campbell's Act and the Employers' Liability Act are to bind His Majesty in right of the State of Tasmania, and the State is made subject to garnishee and interpleader proceedings. S. 66 is emphatic in its enactment that in proceedings by and against the Crown the rights of the parties are to be the same as in proceedings between subject and subject, and that the Crown is not to be entitled to the benefit of any right, privileges or exemption which was formerly peculiar to His Majesty—except that where an interlocutory judgment is given on application by His Majesty, an undertaking as to damages shall not be required. But there is the usual provision that execution is not to issue against the property of the State.

Part VII sets out the rules relating to the writs of certiorari, prohibition, mandamus, quo warranto and scire facias. It is an eminently learned part and is in general declaratory.

Part VIII, which relates to proceedings in lunacy, is a much needed piece of legislation. It contains the rules as to the jurisdiction of the Supreme Court in lunacy, inquiries as to the capacity of alleged lunatics, and the custody of lunatics and the management of their property. This part in a large measure reproduces the provisions of the English Lunacy Act of 1890. It also contains reciprocal provisions similar to those contained in Part IX of the Victorian Lunacy Act, 1928 (No. 3721).

Part IX relates to the enforcement of judgments and to execution, and Part X contains the usual provisions as to the reciprocal enforcement of judgments (pursuant to Part II of the Administration of Justice Act, 1920).

The concluding part, relating to Rules of Court, sets up a Rule Committee consisting of the three judges of the Supreme Court and four practitioners, whose approval is required for all Rules of Court. A majority of the committee for the purpose of the approval of the rules must include two judges.

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[1] Cf. R.S.C., O. 35, rr. 2, 6.

For reasons of convenience the Rules of Court embodying the new procedure and practice are set out in the form of a schedule to the Act. As well as the general Rules of Court, there are special rules relating to proceedings under the Debtors Act, Matrimonial Causes Rules (based on the English Rules of 1924), Admiralty Rules, Rules in Lunacy and Rules relating to the Reduction of Capital and Winding-up of Companies. The Rules of Court are in general substantially the same as the English Rules of the Supreme Court, with some alterations in detail, and the English procedure and practice are substantially adopted. Certain orders in the Rules of Court are based on the High Court Rules (such, for example, as the orders relating to new trials, appeals, certiorari, etc.), and in some cases the Victorian Rules are adopted.

An account of variations from the English Rules would be tedious, but some novelties might be noted. In the order relating to discovery and inspection (generally reproducing R.S.C., O.31) the facts as to which interrogatories may be administered are set out specifically: this is an addition to the English Rules. The English Order 48A, relating to actions by and against firms and persons carrying on business in names other than their own, is adopted with an interesting addition; the existing English procedure is applied to actions by and against societies, clubs and associations and similar unincorporated bodies. It is thought that the provision of some such method of redress against these unincorporated societies will be valuable, but the new rules are experimental only; they are also optional. Order 69 of the new Rules of Court provides the rules as to proceedings at the suit of and against the Crown the statutory provisions as to which were referred to above.

The question of costs was not free from difficulty or contention, and the problem of awarding proper remuneration for the services rendered by the practitioner and at the same time enabling the mass to come at justice (to use the learned judge's expression) was not easy of solution. The problem was not made easier by the non-existence in Tasmania of anything approaching a satisfactory "county court" system. Eventually the scale of costs in proceedings in the Supreme Court was divided into two parts: Table A, relating to actions above £400, and designed to afford reasonable remuneration to the practitioner; and Table B, relating to actions where the amount involved does not exceed £400, which is deliberately intended to be a "county court" or "poor man's" scale of costs, and to enable parties contemplating bringing or defending an action to ascertain what the action will cost the loser. The provisions as to costs represent a compromise, but they are also an attempt to solve the difficult problem of costs generally by the application of some rational principle.

5. VICTORIA.

[*Contributed by* HIS HONOUR JUDGE ZICHY-WOINARSKI, K.C., *and* S. H. ZICHY-WOINARSKI, ESQ., M.A., LL.B.]

In the first session of the thirty-first Parliament, eighty-eight Acts were passed, the main provisions of thirty-five of which are dealt with in this review.

State Coal Mine Industrial Tribunal.—Act No. 4030 sets up in reference to the State coal mine at Wonthaggi a tribunal to determine the rates of pay and conditions of employment at the mine. These matters had up to the year 1916 been fixed by agreement between the management and the local branch of the miners' union, and thereafter by arbitral tribunals. More lately wages payable seemed too high, and application was made to the Commonwealth Arbitration Court to grant relief, and on that application the court suggested the creation of a state tribunal to deal with the matter independently of all other coal mines. This tribunal is the result of that suggestion. It adopts the wages board principle of round-table conferences. The chairman is a county court judge and the members (four in number) are representatives of those interested, two representing the Railway Commissioners and two the workers. The tribunal is to make awards in respect to (*a*) the rates of payment to workers (including special rates for aged, infirm or slow workers); (*b*) the hours of duty and the conditions associated with such hours; (*c*) the payment to be made for workers for (i) overtime; (ii) Sunday duty; (iii) holiday duty; (iv) shift work; and (v) working in wet places; (*d*) the conditions relating to cavilling for places at the state coal mine; and (*e*) the deductions to be made in respect of excessive dirt or otherwise. The award is not effective except as approved by the Governor in Council, and then it remains in force until superseded by a new award and cannot be appealed against or reviewed in any court on any account whatever.

Financial Emergency.—Act No. 4047 is one of several amending Acts of the principal Act[1] of last session. It permits the court to make the protection order in favour of mortgagors, notwithstanding there has been a breach of covenants other than for the payment of principal moneys if the court is of opinion that such breach is of a minor or technical nature.

Acts Nos. 4055 and 4064 extend the period of the restriction of the mortgagee's rights.

Act No. 4106 amends Part III of the principal Act. That part was designed to give effect to that portion of the Premiers' Plan which provided for a reduction of private interest rates on mortgages, debentures, inscribed stock and contracts of sale and hire-purchase agreements. It widens the definition of mortgagor to include transferees of mortgagors and hirers or purchasers under hire-purchase agreements, renders less onerous the conditions to be satisfied by mortgagors who apply for "moratorium" orders and extends the period for the operation of such orders to September 30, 1934 (ss. 2–6).

It provides that where mortgages, the interest payable under which was reduced by the operation of Part III of the principal Act, have been renewed before the coming into operation of this present Act, the interest payable under the renewed mortgage shall be automatically reduced to the reduced rate payable under the former mortgage, subject, however, to the right of the mortgagee to apply to the court for a modification where the financial position of the mortgagor is such as to warrant the modification—the application to be heard *in camera* (s. 7).

It provides that the rate of interest payable under a mortgage where there is more than one rate of interest provided for shall be the lowest of the said rates (s. 8). This, of course, is aimed at penal rates of interest. It renders void provisions in mortgages as to payment of income-tax by the mortgagor or the taking into account of income-tax in fixing or calculating the rate of interest or any provisions in mortgages or renewal agreements designed to evade the operation of these Acts (ss. 9, 10). It enables guarantors of mortgagors to obtain "moratorium" orders restricting the rights of mortgagees on satisfying the court that the guarantor is unable to pay an amount which he is or may be adjudged liable to pay on the guarantee either from his own moneys or by borrowing, and that the value of the property is not seriously diminishing to the jeopardy of the mortgagee (s. 12). It reduces the rate of interest from 8 per cent. to 6 per cent. on judgment debts in respect of principal moneys or interest secured by mortgages (s. 13). It provides that where a trustee has advanced trust money on mortgage the Supreme Court may, on application by the trustee, if satisfied that it will be to the interest of the beneficiaries, authorize him to accept for a period (not beyond September 30, 1934) payment of interest at such lower rate as the court authorizes (s. 14). It authorizes the sale of trust property on an order of the Supreme Court if the income of a trust property is insufficient for carrying out the purposes of the trust (s. 15).

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[1] See *Journ. Comp. Leg.*, Third Series, vol. xv, pt. ii, p. 82.

Pensions Reduction.—Act No. 4052 reduces, for a specified period of about ten months, the amount of certain non-contributory pensions paid out of the superannuation fund or the consolidated revenue, and the government contribution payable in respect of certain contributory pensions and allowances under the Superannuation Acts and the Police Regulation Acts. Under financial emergency legislation provision was made for a percentage deduction from all free pensions in excess of a certain sum. There are three other pension schemes also to which the Government contributes—the Police Superannuation Fund, the Police Pensions Fund and the Superannuation Fund (Public Service and Railways). The present Act enables specified percentage deductions to be made not from one class or pension alone but from the three classes in so far as the Government contributes to the pensions.

Stamps (Betting Tax).—Act No. 4054 aims at raising revenue for the State. It requires every bookmaker to furnish to the Controller of Stamps a half-monthly statement setting forth the particulars of all credit bets made by him in Victoria during such half-monthly period and also of all cash bets of £5 or over so made by him, and it imposes a duty commencing at 1*s.* on bets of £5 up to but not including £10, and rising by steps of 1*s.* to 5*s.* which applies to bets of £100 and less than £250, and for bets of £250 and over, 10*s.* The amounts wagered by a backer in respect of any bet for a win and a place shall be deemed to be one amount. Where no bets have been made during any half-monthly period a statement to that effect must be furnished. The bookmaker is required to collect from the backer an amount equal to the duty, and the bookmaker is not exonerated from liability for payment of the duty. It also amends the Stamps Acts relating to betting tax so that betting tickets need not be issued for credit bets and with respect to betting books, and it provides penalties and for the laying of information within three years.

Income-tax.—Act No. 4056 is not a taxing measure. It aims at relieving the hardship to taxpayers of being called upon to pay lump sums of tax at short notice, at preventing default in payment and at ensuring a more regular flow of revenue to the Treasury. Income-tax was first imposed in Victoria in 1895 and has grown into an oppressive burden, for both the Federal authorities and the State authorities exact such taxes. This Act provides for payment by instalments of the State income-tax and extends a system already in operation in the Unemployment Relief Acts to payment of State income-tax. The system is one of periodical payments in anticipation of the tax by deductions made from salary or wages as and when received and with a final adjustment of payment or refund of the difference at the taxation office. S. 6 imposes on employers a duty to make the deductions at the prescribed rates from the payment of salary or wages to employees; and s. 7 requires employers to deliver to employees adhesive tax instalment stamps (to be purchased from the Commissioner of Taxes or his agents) denoting the amount so deducted. In their turn each employee is required to affix such stamps in a book he has to provide and to write in ink on such stamps his name or initials and the date of payment and to keep possession of the book. Then (s. 9) he must, on receiving notice of assessment, produce the book to the Commissioner of Taxes, who then retains and defaces the stamps, the amount of which is to be deemed to have been paid by the employee in satisfaction of his tax; and if it should appear that no tax is payable by him or that the face value of the stamps exceeds the tax payable, the necessary refund is to be forthwith paid over to the employee (ss. 8, 9). S. 10 provides for what are called "group schemes." This enables the Government and large employers of labour to make arrangements with the Commissioner of Taxes under which employees suffer periodical deductions from their salaries or wages, but the purchase of tax instalment stamps need not be made nor such stamps used, but in lieu thereof the amount of such deductions will be paid by the employer at such times and intervals as the Commissioner directs and then be subsequently taken into account in payment of tax. S. 12 authorizes the Commissioner to issue certificates exempting employees from deductions during the remainder of the financial year when satisfied that sufficient deductions to meet the tax have already been made. S. 13 enables persons who are not employees to purchase tax stamps which are available for payment of tax when assessed and due. Such are the main provisions of Part I of this Act.

Part II consists of amendments of the Income-tax Acts. S. 23 exempts from income-tax money received for work performed in lieu of sustenance under the Unemployment Relief Acts. S. 24 affects the existing statutory exemption of £200 which ceases suddenly at a net income of £500, thereby causing the taxpayer receiving a net income of £502 to pay nearly twice as much tax as the taxpayer receiving £498. This anomaly is now altered, and the section diminishes the £200 by £4 for every £1 by which the net income exceeds £500. S. 25 reduces from 10 to 8 per cent. the interest payable on unpaid income-tax. S. 26 makes provision for assessment of income of persons lawfully leaving Victoria, when no rate of tax has yet been declared for that year on the basis of the rate of tax last declared in any Income-tax Act.

Unemployment Relief (Taxation).—Act No. 4057, in Part I, imposes an unemployment relief tax for the year ending June 30, 1933, on all incomes of not less than £52 per annum. It follows closely the lines of previous Acts on this subject passed in 1930 and in 1931, but with a reduction of 10 per cent. on the existing rates of tax. It aims at raising £1,883,000, of which £1,700,000 is to be allocated to the relief of unemployment and the balance of £183,000 to be applied to meeting commitments made prior to June 30, 1931. The machinery of the Income-tax Acts is to apply to this Act, making it a collection system for both Acts and for both taxes—income-tax and unemployment relief tax—which are to be separately assessed and the notices issued simultaneously to every taxpayer. The respective rates of tax are set forth in the schedule. Part II limits the duration of the Stamps (Unemployment Relief) Act imposing stamp duties on receipts given for certain payments of salary or wages.

Unemployed Occupiers and Farmers Relief.—Act No. 4060 amends Act No. 3962[1] and requires applications for protection certificates and extensions and cancellations thereof to be made to the Farmers Relief Board, to which is transferred the powers previously exercisable only by a court of petty sessions. Under the principal Act a creditor of a farmer who has been granted a protection certificate or the farmer may apply to the Board when there is no reasonable prospect of the farmer being able to discharge completely his obligations to his creditors in respect of his farm, and the Board may then bring about an "amicable arrangement" between the farmer and his creditors, exonerating the farmer from his obligations to such an extent as will afford him a prospect of paying the balance and of carrying on his farm, and by this Act trustees lending money on the security of any property of a farmer to whom, after the execution of the mortgage, a protection order is issued, or who are vendors under a contract of sale of land bought by the farmer before such protection order is issued, are not to be chargeable with breach of trust if in good faith they enter into any such "amicable arrangement" (s. 12).

Marriage. — Act No. 4061 amends a section of the principal Act (No. 3726) so that a person who was a party to any marriage for the dissolution or nullity of which a decree nisi had been pronounced before June 1, 1932, and who had before that date gone through a form of marriage with any other person before the decree nisi was made absolute, may obtain from the Supreme Court or a judge thereof a declaratory order that the subsequent marriage in fact was not an invalid marriage by reason only that the decree nisi had not been made absolute.

Fisheries (Trout Licences).—Act No. 4065 provides for the issue of licences to fish for non-indigenous trout to persons over seventeen years of age on payment of a fee of 5s. for each open season. Further, it imposes penalties on persons whether holders of such licences or not who fish for such trout in waters vested in or under the control of certain water authorities or in certain other specified waters. Lastly, it authorizes the appointment of honorary assistant inspectors of fisheries with prescribed powers and duties.

Administration and Probate Duties.—By Part III of the Finance Act, 1930 (No. 3889), an additional duty was imposed on the estates of deceased persons and on settlements for a period of twelve months. An amending Act (No. 4017) extended the period for another twelve months. The present Act (No. 4066) again extends the operation of the principal Act for a further period of twelve months.

Treasury Bonds.—Act No. 4067 is a formal measure. S. 10 of the Public Account Advances Act, 1924 (No. 3341), provided that any deficit may be charged temporarily to the Public Account ; it also provided that the Treasury shall introduce into Parliament a Bill authorizing the issue of Treasury bonds for the whole amount of such deficit. The present Act complies with that enactment by providing for the issue of bonds for the amount of the last year's deficit. It contains provisions relating to the form, signature, registration and numbering of bonds, charges the principal sum raised under the Act upon the consolidated revenue of Victoria, and provides for the renewal and date of maturity of, the rate of interest on, the sale and paying off of bonds, exchange of defaced bonds, replacing of lost bonds, cancellation of discharged bonds, penalties for forgery and uttering and the payment of all moneys raised by such bonds into the consolidated revenue.

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[1] See *Journ. Comp. Leg.*, Third Series, vol. xv, pt. ii, p. 83.

Betting Tax (Shooting Contests).—Act No. 4069 imposes a stamp duty on authorities required by the Act to be obtained from the Comptroller of Stamps by bookmakers who bet on certain sports grounds in respect of shooting contests. "Shooting contest" is defined to mean a shooting contest in which the targets are birds or are objects propelled through the air by force which is applied by artificial means. Every person having the management or control of a sports ground who knowingly permits or allows any person to carry on in respect of any shooting contest the business or vocation of a bookmaker on any sports ground under his management or control without a licence or permit duly stamped and an authority duly stamped is rendered liable to a penalty of not less than £50 nor more than £200. The penalty to which a person becomes liable may be enforced against such person or against the secretary or any member of the committee or the managing body of any body corporate or unincorporate having management or control. Certain provisions of the Stamps Act (No. 3775 as amended by No. 3848) shall not apply so as to require bookmakers who are holders of such authorities and who bet on such sports grounds in respect of such contests to issue betting tickets or keep betting books. Fraud on the Act is declared a misdemeanour with a penalty of imprisonment for a maximum term of twelve months.

Wrongs.—Act No. 4070 alters the law of tort in three particulars. Firstly, in actions for libels contained in a newspaper it enables the defendant to give in evidence in mitigation of damages that the plaintiff has already recovered damages or received compensation in respect of a libel to the same purport or effect. Secondly, in actions under Part III of the principal Act (No. 3807—Lord Campbell's Act) the defendant may pay money into court as a compensation in one sum without specifying the shares into which the sum is to be divided. Thirdly, in actions for injury to the person the plaintiff shall not be debarred from recovering damages merely because the injury complained of arose wholly or in part from mental or nervous shock. This is in effect a legislative overruling of the opinion of the Judicial Committee in *Victorian Railways Commissioners* v. *Coultas*, (1888) 13 A.C. 222, and a statutory adoption of the decision in *Hambrook* v. *Stokes*, [1925] 1 K.B. 141, without, however, defining the extent of the duty not to cause injury by nervous shock.

Stamps.—Act No. 4072 increases the stamp duty on bills of exchange payable on demand to double the present rate and extends the period during which increased duty on receipts for amounts of £25 or upwards will operate. It exempts from such duty receipts for payment of compensation under the Workers Compensation Act. It imposes stamp duty upon certain powers of attorney (s. 6). It renders interest in real property liable to duty on transfer, sale, exchange or partition (s. 7). It provides that where the value of property comprised in a deed of settlement is increased by subsequent instruments or additions the stamp duty shall be chargeable on the aggregate sum (s. 8). It amends s. 25 of the principal Act so that where instruments are chargeable with *ad valorem* duty in respect of money in currencies other than Australian, such duty shall be calculated in Australian currency by reference to the current rate of exchange on the day of the date of the instrument (s. 10). And it gives power to the Comptroller to inspect documents the inspection of which may tend to secure the payment of stamp duty or lead to the detection of frauds in relation to stamp duty and to impound documents so inspected which are not stamped or are insufficiently stamped.

Cultivation Advances.—Since 1896 legislation has been produced to assist farmers with seed, manure and other farm necessities, and until 1930 it was only to growers of wheat, oats and barley that such aid was given, but amending Acts extended the right to receive such advances to growers of potatoes, onions and maize, and about 1,400 farmers have received such aid. The effect of such advances has been to retain on the land many cultivators who would otherwise not have been in a position to retain their properties. Nor have there been many foreclosures by mortgagees of properties the cultivators of which had received such advances, although they were in the position to foreclose at any time if they paid off the cultivation advance. The present Act (No. 4073) is on similar lines to previous legislation with important amendments. A limitation is imposed on the purposes for which advances can be made, and they now are for seed, wheat, oats, barley, maize, onions, potatoes, fodder, manures, power fuel, lubricants, cornsacks, twine, fencing materials, duplication of farm implements, wages for putting on and taking off crops, horses to a maximum of £75 to each settler, machinery to a value of £100, and a living allowance. Another departure is found in s. 14, providing for a portion of the advance or portion of the proceeds of the crop harvested being paid into a bank in the name of the cultivator (in one payment or in such instalments as the Minister determines) as will be in the opinion of the Minister sufficient for the use of the cultivator as a living allowance for him and those of his family who reside on his farm, thus doing away with the weekly sustenance payments which the Closer Settlement Board made to so many cultivators. The money so paid in is made immune from attack by creditors. The other provisions are mainly a reproduction of the sections of earlier Acts as to the security to be given by the cultivator for such advances and for their repayment to the State.

False Advertisements.—Act No. 4074 renders liable to a maximum penalty of £100 anyone who publishes or causes to be published any statement which is intended or apparently intended to promote the sale or disposal of property or services or to increase the consumption or use of personal property or to induce persons to enter into obligations relating to any property or services or any interest in property, if the statement is, to the knowledge of the person publishing or causing the same to be published, false in any material particular. By way of safeguard it provides that no prosecution shall be instituted against the printer, publisher or proprietor of a newspaper or other periodical publication unless he has been warned by a law officer with respect to a prior statement substantially the same and the consent of a law officer is first obtained. For the purposes of the Act a statement is deemed to be published if it is (*a*) inserted in any newspaper or other publication printed or published in Victoria, or (*b*) publicly exhibited (i) in, on, over or under any building, vehicle or place, whether a public place or not and whether on land or water, (ii) in the air—in view of persons being or passing in or on any public place, or (*c*) contained in any document gratuitously sent or delivered to any person or thrown or left upon any occupied premises. A presumption of the knowledge of the falsity of such a statement so published is created, which may be rebutted by the defendant showing (*a*) that he had reasonable grounds to believe and did believe that the statement was true, or (*b*) that he had no reason to suspect that the statement was false, or (*c*) that otherwise he had acted innocently. Corporations are made liable just as if they were private persons, and aiding and abetting offences under the Act is deemed to be committing the offence. In the case of two or more persons their liability is several. Lastly, any liability to civil proceedings is reserved.

Theatres.—Act No. 4076 alters the powers of the censor with regard to the censorship of cinematograph films under Part II of the Theatres Act, 1928 (No. 3786), and makes provision with respect to the matters required to be contained in posters and other advertisements with respect to such films or the exhibition of pictures therefrom. In particular it omits special provisions with regard to the exhibition before children between the ages of six and sixteen of certain films conditionally approved by the censor. Lastly, the censor is empowered to approve films as suitable only for exhibition before adult persons.

Unemployment Relief (Administration).—Act No. 4079, Part I, consolidates and amends the Acts dealing with the administration of relief to persons out of employment. The Minister is now to be charged with the direction and control of the administration of relief, but the provision of sustenance to persons out of employment is to be by the councils of municipalities in their respective municipal districts (s. 4). An employment council is established, and it has the duty of considering and recommending to the Minister a method for the prevention and relief of unemployment and making quarterly reports of the activities of the council, etc. (s. 5). All moneys collected by and paid to the Commissioner of Taxes or the Comptroller of Stamps under existing laws are to be paid into the consolidated revenue, and an amount equal thereto is to be paid out to the unemployment relief fund kept in the Treasury, and out of this fund the cost of administration of the Act, the sums for providing works for relief of unemployment and providing sustenance of persons out of employment are to be paid (s. 6). It disqualifies from receiving sustenance those who refuse to offer for employment in trades to which wages board determinations or industrial awards apply and who refuse employment on relief works (ss. 7, 8). It makes it punishable to sell, pawn or barter goods received as sustenance in kind (s. 10). It empowers municipal councils to appoint public assistance committees and deals with the constitution of such committees (of whom not more than two-thirds shall be members of the council) and with the appointment of the necessary officers for local administration (s. 11). It is made the legal duty of relatives of any person receiving sustenance to recoup or to contribute towards recouping the unemployment relief fund, if able so to do, the amount of sustenance received by that person (s. 15), and it prescribes the procedure to be followed in such cases (s. 16). The Minister is empowered to demand and sue for the whole or part of the sustenance received by any person if it appears that such person was, at the time he received sustenance, the owner of property (s. 17). S. 18 authorizes the receipt of sustenance in certain cases by keepers of boarding-houses as consideration (whether in whole or in part) for the provision of board and lodging to unemployed persons by whom sustenance is receivable. Works for relief of unemployment must be approved by the employment council (s. 20). It prescribes rates of pay and says no discrimination shall be made between persons who are members of trade unions and other persons (ss. 23, 24). Out of the unemployment relief fund the settlement of unemployed persons on available Crown lands is also provided for (s. 25), and also the acquisition of private land for settlement (s. 26), and the Governor in Council, on the recommendation of the employment council, may authorize the Minister to arrange for leasing land or buildings to establish and maintain camps for unmarried unemployed workers (s. 28).

Part II restricts the persons who may collect moneys for the relief of persons out of employment to those licensed under this Act and to members or persons authorized by societies which are holders of licences (s. 37). It prohibits the conduct of and the sale of tickets for entertainments the proceeds of which are for the relief of unemployed persons unless the person conducting the entertainment or selling tickets holds a licence or is authorized by a society which holds a licence (s. 38).

Local Government (Debentures).—Act No. 4081 enables municipalities to enter into agreements with debenture holders for temporary concessions. Owing to various causes, bad seasons, low prices, unemployment, etc., municipalities have experienced difficulty in collecting rates and private street construction contributions, and some are in default with payments due under their debentures, and many debenture holders were agreeable to give municipalities relief by an extension of times for payment, but the principal Act gave no power to municipalities to enter into any such scheme of composition. This Act authorizes them to make, with the approval of the Governor in Council, agreements with holders of their debentures whereby the terms and conditions of the debentures may be varied by the postponement for a period of not more than ten years of the date of the payment of the principal sum or any part thereof or of interest. It also empowers them to agree with owners of property who are liable to contribute by periodical instalments to the cost of the works for which the moneys were borrowed, to postpone the date for the payment of the whole or any part of any such instalment or to reduce the amount thereof.

Education.—Act No. 4082 empowers the Governor in Council to make regulations for the payment of fees for the instruction in secondary school subjects in State schools at rates not exceeding those set out in the schedule, which range from twelve guineas to three guineas per annum, with half rates for tuition by correspondence. No fee is chargeable in respect of any subject for which compulsory attendance is required by statute, and power is given to make exemptions in cases where parents are in necessitous circumstances. Similarly a reduction of fees is provided for where two or more children of the same family are attending a secondary school. The operation of the Act is limited to twelve months.

Superannuation.—Act No. 4085 enables male and female state officers who have attained the age of sixty and fifty-five years respectively, and who apply before July 1, 1933, to retire on a full pension as if they had attained the age of sixty-five years in cases where the Treasurer of Victoria approves of the application for the reason that in his opinion the retirement will result in reduced expenditure out of the consolidated revenue or the railways revenue.

Dried Fruits.—Act No. 4088 was passed in consequence of the decision of the Privy Council in *James* v. *Cowan*, [1932] A.C. 542, which enforced the view that if a State passed legislation which operated directly to restrict trade or commerce, that legislation will be ineffective so far as it operates upon interstate trade or commerce. This Act is therefore an amending one which repeals a section of the principal Act which had enabled the Premier of Victoria to join with the Prime Minister of the Commonwealth or the Premiers of other States in any arrangements for concerted action in the marketing of Australian dried fruits, and it amends another section of the principal Act with respect to the compulsory acquisition of dried fruits in Victoria and the determination of the price to be fixed for such fruits. It alters the power, too, of the Minister with regard to the determination of the maximum proportion of dried fruits produced in Victoria in any year which may be marketed in Victoria. The result will be that the State Dried Fruit Board can make determinations relating to the trade in dried fruits within its particular State only.

Closer Settlement.—Act No. 4091 is somewhat complex. The State from about the year 1904 had legislated in respect to the acquisition and disposal for closer settlement of large areas of land and spent many millions of pounds upon the scheme which affects about 13,000 settlers, civilian and soldier. Excessive prices of purchase (much above production value), low market prices for agricultural products and adverse seasons have been among the causes which have disabled the settlers from repaying the loans and interest charges made to them by the State and from fulfilling the terms of their conditional purchase leases, and in the last financial year a cash deficiency of over one million pounds was suffered by the State. Various remedies have been suggested, *e.g.* revaluation of the land, writing off of capital, the giving of time, etc. Much criticism, too, fell on the Closer Settlement Board, which hitherto had administered the Closer Settlement Acts, while some matters of their administration were also in the hands of the Land Department and others in the State Rivers and Water Supply Commission. The powers and duties of all these bodies now cease and a new body is to function in lieu thereof. The present Act provides for the dissolution of the Closer Settlement Board and for the administration of the provisions of the Closer Settlement Acts by a commission of five members to be called the Closer Settlement Commission, and to be a body corporate. To this Commission is transferred all the powers and duties of the Board, and also, so far as they relate to the administration of the Closer Settlement Acts in irrigable areas, the powers and duties of the State Rivers and Water Commission. The Commission is also to administer, so far only as relates to lessees and licensees under the Land Act, 1928, who received or receive advances under the Closer Settlement Acts, the provisions of the said Land Act, and to it are transferred powers and duties hitherto conferred or imposed on the Minister or the Board of Land and Works in such matters. To it the administration is also given in regard to seed advances, fallowing advances and cultivation advances under those Acts, as well as the administration of Part I of the Wire Netting Act, 1928; but there is reserved to the Minister a power to veto advances under such Acts. The Commission is constituted of five members appointed for a term of five years but eligible for reappointment, of whom three are to be whole-time members and two are to be persons with a knowledge of finance and of primary production. The members are not removable from office except on an address from both Houses of Parliament. A duty is put upon it to furnish to the Minister all necessary reports, documents and information, and the Minister is authorized to put himself in direct communication with any member of the Commission, or any of its officers, and to avail himself of the services of those officers (ss. 3–24). S. 25 enacts that no portion of any payment to the Commission in respect of land or advances by any lessee, licensee or person who has received advances is to be credited in reduction of capital liability until the whole of the interest liability of that lessee, licensee or person has been extinguished. S. 26 provides for payments out of the consolidated revenue to provide for capital losses in respect of advances made after July 1932 by any person who has ceased to work his farm, and when the Treasurer of Victoria and the Commission are satisfied that such advances cannot be recovered, such payments to be made into the State Loans Repayment Fund. S. 27 enables the Commission to grant additional land to certain lessees when it is of opinion that the land held is of such a quality or in such a situation that the maximum value or acreage is not such as to enable the lessee by properly working his land to meet his liabilities to the Commission and maintain himself and his family in average circumstances in average seasons. S. 28 enables the Commission to recommend to the Governor in Council the transfer by a lessee of his land to any person, whether such person is or is not eligible under the Closer Settlement Acts to hold such land, if it is satisfied that all moneys payable in respect of the land and advances will be paid to the Commission immediately upon the transfer or that the proposed transferee will pay to the Commission immediately, or at such times and on such terms as it approves, all outstanding advances payable by the lessee and a sum equal to 3 per cent. of the balance of the purchase-money, and that during the continuance of the lease he will not require any advances from the Commission. If the Governor in Council approves, he may declare the lease and the Crown grant when issued to be freed of all restrictions under the Act. This Act substitutes for the existing liabilities of settlers a new consolidated liability as from July 1, 1932, and enables the Commission to make an annual adjustment of such liabilities for a period of five years, having regard to (*a*) ruling prices for farm products ; (*b*) seasonal conditions ; (*c*) requirements for the maintenance of the settler and his family ; (*d*) his means and ability to make any adjusted payment ; (*e*) the efforts made by him to meet his liabilities ; and (*f*) any other facts further to be considered. Then if the amount of the adjusted payment for any such year of the five years is less than the amount he would, but for this Act, have been liable to pay, the difference shall be deemed to be written off and the liability reduced accordingly. At the end of the period of five years the Commission shall cause the settler's land and improvements to be valued, and if the amount of such valuation is less than the capital value at the time of settlement, advances and interest in arrear, the difference shall be written off the liability of the settler. The Act also increases to £12,155,000 and £25,080,000 the amounts which may respectively be borrowed for closer settlement and soldier settlement.

Boy Scouts.—Act No. 4092 incorporates the local Boy Scouts Association, thus bringing the Victorian body in line with the parent body which is incorporated in the United Kingdom and Ireland, and also with the body in New South Wales which was incorporated by Act No. 26 of 1928. The Victorian Act is largely based on this New South Wales Act.

Forests.—Act No. 4096 is a brief but important amending Act relating to the forestry policy of the State. During the settlement of Victoria in the last century the forests became so neglected as the result of portions being indiscriminately set off for settlement that the future timber supply of the State was endangered. A Royal Commission was appointed in

1898 to investigate and report, and as a result a Forest Bill was introduced into the House in 1907, of which the chief feature was that certain areas were set aside for forest purposes, and those areas were not transferable either to or for His Majesty. In 1915 the Act was further extended and the permanent nature of forest reserves preserved. In 1918 a Bill incorporating the Forests Commission was passed placing the forest reserves under its jurisdiction and keeping intact the immunity from transfer. During subsequent years, in consequence of the development of the country and the increase of settlement, three Forestry Bills were introduced into the House during 1924 and 1925 but were not passed. In 1927, however, a measure was passed permitting the exchanges of certain lands for a period of three years. The present Act re-enacts that provision. It enables the exchange of forest lands for unoccupied Crown lands for a period limited to three years and under certain specified conditions. It provides that State exchanges and purchases of lands under ss. 54 and 55 of the principal Act (No. 3685) shall be on the recommendation of the Forests Commission after consultation with the Commissioner of Crown Lands and Survey. Further, it provides for the insertion in leases, licences and permits to cut timber in State forests of a covenant to insure against loss by fire to an extent sufficient to cover royalties and charges payable to the Forests Commission, and amends the principal Act as to the deposit of maps showing alterations in State forests.

Unemployment Relief Loan and Application.—Act No. 4097 deals with the unemployment problem. It authorizes a loan of £1,800,000 to be raised by the State by stock or debentures, to be expended on works approved by the Employment Council and the Treasurer (ss. 2, 3). Advances by way of loan or grant or both may be made to public authorities for unemployment relief works (s. 4). Municipalities may apply to the Treasurer for advances for expenditure on approved works out of this fund or the fund under the Unemployment Relief Works (Commonwealth and States) Act, 1932, or the moneys received by the State from the Commonwealth pursuant to the Commonwealth Act known as the Loan (Unemployment Relief Works) Act, 1932 (s. 5). The Treasurer on such application may make an agreement with the municipality fixing the terms for the advance, not to exceed twenty years, the rate of interest to be 4½ per cent. per annum, and a sinking fund to be provided at a rate not less than 1½ per cent. per annum. Repayment by the municipalities is to be half-yearly, and if any municipality fails in its obligations, a receiver may be appointed by the Supreme Court to collect so much money as remains unpaid to the Treasurer (ss. 5, 6). It modifies some provisions of the Sewerage Districts Act, 1928, and the Water Act, 1928, so as to enable advances by way of loan out of this fund to be made to sewerage and to water authorities for approved works (s. 6). S. 7 empowers the Governor in Council, on the recommendation of the Treasurer and the Employment Council by order, to direct that, for a period specified in the order, no interest or a lower rate of interest than that otherwise payable by or under this Act be paid in respect of advances to public authorities. S. 8 empowers the Treasurer to make agreements with any municipality as to loans out of moneys raised by this Act or the said Commonwealth Acts for approved private street construction on special terms set forth. S. 9 provides for recoups from the Unemployment Relief Fund to the consolidated revenue, and s. 10 provides that repayment by public authorities in respect to advances are to be credited as to interest to the Unemployment Relief Fund and as to the remainder to the State Loans Repayment Fund.

Firearms.—Act No. 4099 alters the definition of pistol in the principal Act (No. 3681), which was based on that contained in the Imperial Act 3 Edw. VII, c. 18, s. 2, so that it is defined as " a firearm or other lethal weapon of any description from which any shot, bullet or other missile can be discharged, and includes any such weapon capable of being concealed about the person but does not include any sporting or military weapon the length of which over all is not less than thirty inches and the barrel of which is not less than sixteen inches in length." The Act increases the fees payable for gun dealers' licences and requires the payment of fees for certificates to purchase pistols and on the registration and renewal of registration of pistols. It prohibits the sale or disposal of registered pistols without the consent of the Chief Commissioner of Police or an authorized officer, requires the notification of the loss, theft or destruction of registered pistols, and prohibits the granting of pistol certificates to persons convicted of felonies. It revokes all pistol certificates and pistol permits granted and all registrations of pistols effected under the Firearms Act, 1928 (No. 3681). No certificate or permit shall be granted for any pistol the calibre of which is less than ·25 of an inch. Any person who after being convicted has a pistol in his possession is rendered liable to a penalty of imprisonment. Further, the Act restricts the bringing of pistols into Victoria, and empowers any member of the police force, where he has reason to believe that any person in a public place has a pistol illegally in his possession, to search without warrant such person or any vehicle or package in such public place and in his possession or under his control. Any occupier of land or premises where any pistol is found is presumed to be the owner of such pistol unless the contrary is proved. The manufacture or use of silencers for firearms is prohibited. Lastly, it provides that all charges for offences under the Firearms Acts shall be heard before a court of petty sessions consisting of a police magistrate sitting alone.

Transport Regulation.—Act No. 4100 provides for the appointment for a term of twelve months by the Governor in Council of a Transport Regulation Board, to consist of five members, one to be appointed Chairman, one on the nomination of the Railways Commissioners, one to represent the motor interests, one to be a primary producer and one to be engaged in commercial pursuits. Certain interested persons are made incapable of appointment. The members of the Board are entitled to receive remuneration and travelling expenses to be fixed by the Governor in Council. The object of the Act is to require the Board to make reports containing such recommendations as it thinks wise or expedient with respect to the better and more economic co-ordination or the better regulation and control of railway, tramway, motor, sea and air transport. For the purposes of its inquiries the Board is given various powers in respect to the summoning and examining of witnesses and the production of books and documents.

Factories and Shops (Sundays).—Act No. 4102 prohibits the employment of persons to work on a Sunday in a factory in wholly or partly preparing or manufacturing articles of clothing or wearing apparel or boots or shoes or knitting or crocheting fabric for trade, sale or otherwise. To meet the exigencies of trade it authorizes the Secretary for Labour to suspend such prohibition in respect of particular factories on any particular Sundays specified by him.

Milk Board.—Act No. 4104 provides for the appointment of a Milk Board by the Governor in Council for a period of six months. The Board is to consist of five members, of whom one shall be a person having an expert knowledge of but no financial interest in the production, treatment or distribution of milk, who shall be appointed chairman, two shall be persons appointed as representing owners of dairy farms from which milk is supplied to the metropolis, one shall be a person appointed as representing dairymen, and one shall be a person having no financial interest in the production, treatment or distribution of milk appointed as representing consumers of milk in the metropolis. The members of the Board are to receive remuneration and travelling expenses. The object of the Act is to require the Board to furnish a report containing such recommendations as it thinks wise or expedient with respect to the regulation and control of the supply of milk to the metropolis, the better and more economic collection, transportation, treatment and distribution of milk and the prices paid to producers and by consumers of milk. For this purpose and making any inquiry the Board is given certain specified powers. Certain provisions as to its meetings and as to vacancies arising on the Board complete the Act.

Landlord and Tenant.—Act No. 4105 amends the law relating to distress for rent. It provides that where goods or chattels the subject of a hire-purchase agreement are distrained for rent, their owner may deliver at any time before the sale a notice in a prescribed form to the landlord or his agent setting out the total amount unpaid in respect of the goods or chattels under the agreement, and that thereupon, if there are sufficient other goods or chattels to satisfy the distress, no further proceedings shall be taken in respect of the goods or chattels the subject of the agreement ; but that in any other case the landlord may, after giving seven days' notice to the owner, proceed to the sale of the goods or chattels distrained. In this case the amount due to the owner of the goods or chattels the subject of the agreement is, after payment of the costs and expenses of the sale, to be paid to him in priority to any amount due to the landlord for rent, provided that no such goods or chattels shall be so sold unless the proceeds of the sale, if the same were applied (i) in payment of costs, (ii) in payment of the owner, would be greater than the amount which would be required for those purposes. Where there is a dispute about the amount due to the owner, under the agreement, the hirer is empowered, on giving certain notices, to obtain the determination of a court of petty sessions. The owner's right to recover from the hirer is not affected. Further, the Act provides that a hire-purchase agreement is not to include an agreement whereunder the property in the goods has at the time of the distress passed to the hirer ; and it enacts that where cattle, horses, sheep or pigs have been sold to a tenant of land and are depastured or held thereon, such cattle, horses, sheep or pigs shall for the purposes of the Act be deemed, so long as any part of the purchase-money thereof remains unpaid, to be goods or chattels comprised in a hire-purchase agreement. Notification must be given by the landlord to persons interested in the goods distrained, and by the tenant to the distraining landlord that the tenant is not the owner of the goods or that there is a balance still unpaid to the vendor in the case of a vendor of cattle, horses, sheep or pigs ; a maximum penalty of £10 is imposed on a tenant failing to give such notification without reasonable cause or excuse.

6. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq.]

Though fifty-five Acts were passed in the year 1932 during the second session of the fourteenth Parliament, there are only a few which contain enactments of general interest. Several provide for the continuance of temporary legislation, such as the Farmers' Debts Adjustment Act, the Financial Emergency Act, the Mortgagees' Rights Restriction Act and others, which have been already reviewed, but the greater volume of the legislation deals with matters of detail rather than of principle. A few, however, which give effect to new principles or follow new lines of policy are reviewed below.

Justices.—Hitherto failure to pay money in pursuance of any order of a court of petty sessions has entailed, in the last resort, liability to imprisonment. This liability is removed by Act No. 25, which provides that any order for payment made by justices, in respect of any such matters as are specified in the schedule to the Act, shall be recoverable in the same manner as a purely civil liability in a local court ; and for this purpose a copy of the order may be registered in a local court and enforced as a judgment thereof. The matters mentioned in the schedule are of an essentially civil character, such as recovery of wages and water charges.

Mine Workers' Relief.—Act No. 37 relates to relief of mine workers in respect of two diseases—silicosis and tuberculosis—which they may contract in following their occupation. " Silicosis " is defined as silicosis of the lungs and " tuberculosis " as tuberculosis of the lungs or of the respiratory organs and tuberculosis of the glands and other parts of the body where the cause of such disease may legitimately be attributed to the nature of the sufferer's employment as a mine worker.

An obligation is imposed on every mine worker to submit himself to medical examination for symptoms of silicosis or tuberculosis whenever required by the Minister or a medical officer so to do. If on such examination the worker is found free from tuberculosis a certificate will be given to him to that effect, which will entitle him to continue working as a miner subject to the ordinary regulations applicable to mines.

It is the duty of every employer of mine workers to furnish to the proper officer full returns of all workers employed by him and to afford facilities for their medical examination.

If a medical officer or practitioner reports to the Minister that any mine worker is suffering from tuberculosis without silicosis or from silicosis with tuberculosis the Minister is, by notice to the worker and his employer, to prohibit the further employment of such worker as a mine worker. The worker is, however, allowed to appeal to a medical board, provided he is able to obtain from any medical practitioner an opinion that he is not suffering from tuberculosis.

If a medical practitioner or officer notifies the Minister that any miner is suffering from silicosis but is free from tuberculosis the duty of the Minister is to give the worker notice of the fact.

A Mine Workers' Relief Fund is established for the purposes of the Act. This fund is to consist of contributions made by employers and workers, advances by the Treasurer, penalties imposed for offences against the Act and moneys which may be handed over under the authority of this Act by the existing Mine Workers' Relief Fund Incorporated of Kalgoorlie. The fund is placed under the management and control of a body of five members—one appointed by the Governor, two elected by the employers and two by the workers.

The benefits to which mine workers are to be entitled under the Act are such as shall be from time to time prescribed by the regulations under the Act ; but the intended extent of such benefits is indicated in the Act as being a weekly sum not exceeding one-half of the weekly rate of pay for the class of work in which the person concerned was employed when prohibited from working, together with 7*s.* 6*d.* per week in respect of each child dependent on him, but so as not to exceed in the aggregate the amount of the basic wage applicable for the time being to the class of work in which the worker was engaged. Such weekly payments will be made until the total of £750 has been reached. The payments may even be continued further if the worker shall, notwithstanding that he has been prohibited from working, have continued to make contributions to the fund. If the worker dies before receiving the sum of £750 provision is made for continuing payments to his dependents.

The liability of the employer to pay compensation under the Workers' Compensation Act is not excluded. It is, indeed, expressly recognized, but provision is made for deducting any amount received from the employer from the benefits to which the worker is entitled under this Act.

Elaborate and somewhat perplexing provisions are contained in the Act for ascertaining the liability of the employer to pay compensation and the right of the mine worker to receive relief from the fund in case the worker is certified to be suffering from (*a*) both tuberculosis and silicosis or (*b*) silicosis in the advanced stage or (*c*) tuberculosis without silicosis or (*d*) silicosis in the early stage.

The existence of silicosis (particularly in the advanced stage) seems to be the important factor in determining the liability of the employer ; but even when the disease is in the early stage only the worker may leave his work as a miner. He will then be subject to periodical examinations, and if, within a certain prescribed time he is found to have developed tuberculosis or silicosis in an advanced stage, the employer will be liable under the Workers' Compensation Act, and (subject to a due deduction for compensation received) the worker will have the right to be allowed relief from the fund, and such relief will be granted even though the disease does not reach the advanced stage, or tuberculosis does not supervene, within the prescribed time.

Silicosis in the advanced stage or if complicated with tuberculosis gives an immediate right to compensation and, subject to proper deductions, to relief from the fund.

The worker, however, is not bound to quit work on account of silicosis unaccompanied by tuberculosis. This latter disease always disables the worker from employment in a mine, but will not, in case it is not accompanied by silicosis or by certain circumstances which presumably connect it with the mine worker's employment, entitle the worker to relief at the ordinary rates, though in such cases he and his dependents are to be entitled to such benefit as may be expressly directed by the regulations under the Act to be payable in similar cases.

Land.—The main object of Act No. 44 is the extension of the term for which pastoral leases may be granted. It provides that Crown land open for selection for pastoral purposes may be leased for a term expiring on December 31, 1982, on the conditions set out in a scheduled form. The rent will be fixed in the first instance by the Minister acting on the advice of a board of appraisers ; but will be subject to re-assessment on the expiration of the first fifteen years, and at the end of every succeeding period of fifteen years, provided that no assessment shall exceed the immediately preceding assessment by more than one-half of the amount thereof. Any lessee holding a pastoral lease granted before the commencement of this Act is given the right, within one year after the commencement of the Act, to apply for leave to surrender such lease and to obtain a new lease for the term and subject to the conditions mentioned above.

Marriage.—Marriage with a deceased wife's sister or a deceased husband's brother has already been legalized in Western Australia ; but Act No. 46 goes further and permits of marriage with a deceased wife's niece or a deceased husband's nephew. It is retrospective in its operation, but will not have effect in any case in which the man stands in the relationship (of the whole or half blood) of brother to a parent of his proposed wife, or in which the woman stands in the relationship of sister or half-sister to a parent of her proposed husband.

Secession Referendum.—By Act No. 47 provision is made for a consultative referendum on the question of the secession of the State from the Commonwealth. Two questions are provided for submission to the electors, viz. : (1) Are you in favour of the State of Western Australia withdrawing from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial) ? (2) Are you in favour of a Convention of Representatives of equal number from each of the Australian States being summoned for the purpose of proposing such alterations in the Constitution of the Commonwealth as may appear to such Convention to be necessary ?

By large majorities the first question has been answered in the affirmative and the second in the negative ; and a committee has been appointed, with the approval of Parliament, to devise the best means whereby practical effect can be given to the decision of the electors.

Metropolitan Whole Milk.—The purpose of this enactment (No. 49) is to regulate and organize the production, purchase, treatment, sale and disposal of whole milk for use by consumers within the metropolitan area, which is defined as the portion of the State, including Perth and Fremantle, which may be from time to time defined by the Governor.

A board of five members is constituted in order to carry the Act into effect, with power, subject to the approval of the Minister, to appoint such officers as may be found necessary.

The Minister is empowered to constitute any part of the State a dairy area, the milk produced wherein shall be deemed to be produced for sale by milk vendors to customers in the metropolitan area, and to divide such area into districts in which persons may, subject to the Act, carry on business as milk vendors.

No person is to carry on business as a dairyman in a dairy area or to carry on business as a milk vendor in any district except under the authority of a licence issued by the board ; but a person may carry on business as a dairyman in a dairy area without a licence if he can prove that no milk produced by him is sold or intended for sale to consumers in the metropolitan area. A licence is also necessary for treating milk intended for sale to such customers, and by treatment is meant the examination, cleansing, pasteurization, testing, grading, cooling, refrigerating, bottling or packing of milk.

Licences are not issuable as of right, whether the application be for an original licence or for a licence in renewal of one previously granted; but on the refusal of the board to grant any licence applied for, the applicant will have the right to appeal to a magistrate.

Two funds are established under the Act, one for the compensation of dairymen, the other for the compensation of milk vendors and treaters of milk. These funds will be maintained by contributions levied on licensed dairymen and milk vendors (including treaters) respectively. Compensation will be payable out of the appropriate fund to any person to whom a licence has been granted, if on the expiration thereof he is refused a fresh licence of the same kind and such refusal is confirmed on appeal. All questions relating to compensation or the amount thereof are to be determined by the board subject to an appeal to a magistrate.

The board is invested with very extensive powers of regulating and organizing the production of milk in dairy areas, the supply and sale of milk by dairymen to milk vendors, the supply, sale and distribution of milk to consumers in the metropolitan area and the treatment of milk before sale and distribution to consumers. Coupled with these powers are others enabling the board to ensure the fitness of milk for human consumption, to inspect dairies, milk stores and other places as well as plant appliances and things used in connexion with the production, supply and treatment of milk. The board is also given wide powers of price-fixing. The Act is to expire on December 31, 1935.

Lotteries Control.—No. 50 is another temporary Act, December 31, 1933, being fixed as its date of expiry. It marks a new departure in Western Australian legislation in that it legalizes, for the first time, the carrying on of lotteries. The Criminal Code renders any person conducting a lottery guilty of a misdemeanour and punishable with imprisonment for a maximum term of three years. The offence is also punishable on summary conviction by imprisonment for six months. This part of the law has, however, been very laxly administered and for a long time illegal lotteries were allowed to be carried on without interference. By the measure now under review lotteries may, subject to the prescribed conditions, be carried on by the Commission constituted by the Act or by any other person or body. In either case the permission of the Minister is necessary.

The Commission referred to consists of four members appointed by the Minister and is to hold office for one year. At the conclusion of each lottery members may, with the approval of the Minister, receive fees for their services not exceeding altogether 2½ per cent. of the gross subscriptions, and it is provided that the aggregate fees payable to all the members in any year shall not exceed £1,000.

The Commission must, fourteen days at least before the date on which it proposes to open any lottery, obtain the permission of the Minister. Any other person or body desiring to open a lottery must apply to the Commission, who may either reject the application or recommend the Minister to grant a permit therefor. The decision of the Minister as to granting or withholding a permit is final. He is not to grant more than fifteen permits for state-wide lotteries in any calendar year.

Where there is no restriction imposed by a permit as to the locality in which tickets may be issued or offered for sale or in which subscriptions may be received the following conditions shall (amongst others) be observed: (i) the total expenses are not to exceed 25 per cent. of the gross subscriptions; (ii) the proposed total prize money distribution shall be stated in the application for the permit; (iii) any balance remaining after deduction of expenses and the payment of the prize moneys is to be applied to the charitable purposes specified in the permit.

Provision is also made for regulating all lotteries whatsoever for which permits are granted.

The Act provides that persons taking part in legalized lotteries shall not be liable to prosecution under the Criminal Code or any other statute; but severe penalties are imposed on all who take part in conducting or assisting in any illegal lottery, and this last expression includes not only any unauthorized lottery promoted and carried on in the State, but also any lottery which is conducted, drawn or decided wholly or partly outside the State, notwithstanding that it may be authorized under the law of any other country or place.

7. PAPUA.

[*Contributed by the* HON. MR. JUSTICE R. T. GORE.]

During the year 1932 eight Ordinances were passed. These were either Appropriation Ordinances or Ordinances which effected amendments to existing Ordinances. The following may be noticed:

Electricity.—No. 1 gives the Lieutenant-Governor the power to fix, alter or revoke, by Order in Council published in the *Gazette*, the rates payable for the supply of electricity. The rates fixed, altered or revoked are to take effect from the time specified in the Order. No increase in the existing rates is to take effect until at least forty-eight hours after the publication of the Order.

Stamp Duties.—No. 2 provides that no company shall be liable to pay in respect of nominal capital on registration or afterwards any greater amount of stamp duty than £100, taking into account, in the case of stamp duty payable on an increase of capital after registration, the duty paid on registration. Hitherto a company either upon original registration or upon a registration of an increase of capital paid stamp duty on the value of the nominal capital or the value of the increase of capital, whichever it may have been, without limit. With this amendment, no matter how great the nominal capital or the amount of the increase, in the case of the registration of an increase of capital, may be, no greater stamp duty than £100 is to be paid.

Natives.—No. 6 amends the Arms, Liquor and Opium Prohibition Ordinances, 1911–32. Under the law as it stood a native could not use firearms under a general arms permit unless under the direct control of some specified person not being a native within the meaning of the Ordinance Interpretation Ordinance. The use of firearms under such control was found to be impracticable. The amending legislation makes it no longer requisite.

Maintenance Orders (Facilities for Enforcement).—No. 8 amends the principal Ordinance so as to include within the purview of the Ordinance territories over which a mandate is being exercised by the Government of any part of His Majesty's Dominions.

IV. NEW ZEALAND.

[*Contributed by* J. CHRISTIE, ESQ., LL.M., *Parliamentary Law Draftsman.*]

Acts passed : Public and General—47 ; Local and Personal—14.

Introductory.—It is customary for the New Zealand Parliament to assemble in June of each year, and to continue in session for a period of from four to six months. In 1932, however, the usual course of events was departed from, for the continuance of a state of economic "world chaos" demanded an early meeting of Parliament principally for the purpose of effecting public financial adjustments, but also for the purpose of affording a further measure of relief to the producers of primary products, many of whom were, by reason of the unprecedented fall in prices, in serious financial difficulties. Parliament was called together on February 23, 1932, and in the period intervening between that date and its adjournment on May 10 passed eleven measures of a special or urgent character. Parliament was again called together on September 22 of the same year, and continued in session until March 17, 1933, though it stood adjourned from December 9 till January 26, 1933.

In both Sessions legislation of an emergency nature was passed. The following review deals with the more important measures :

Mortgagors and Tenants Relief.—Act No. 1 was passed in amendment of the Mortgagors Relief Act, 1931. By that Act a mortgagor who was threatened with the exercise of the remedial rights of his mortgagee was given the right to apply to the courts for relief, and the courts had extensive powers of granting relief according to the necessities and merits of the case. But a mortgagor could not apply for relief unless his mortgagee took the initiative of proposing to exercise his remedial powers. The first amending Act of 1932 accordingly extended to mortgagors the right to apply for relief without the necessity of waiting for action on the part of the mortgagee, and on such application the court in its discretion could grant the same measure of relief as if the mortgagee had initiated proceedings to enforce his legal rights.

A good deal of controversy was heard, both in and out of Parliament, concerning the mortgagor's "personal covenant" to repay the mortgage debt. It was stated that many mortgagors were ignorant of their obligation to repay the balance of a mortgage debt in cases where the full amount was not realized by the sale of the security, and it was contended by many that the law should not recognize the existence of any debt over and above the amount realized by the sale of the security. After much discussion it was provided in the Mortgagors and Tenants Relief Act that, on application by a mortgagor, the court should have power to postpone the rights of a mortgagee to sue under the personal covenant.

By s. 6 of the Act relief of the nature afforded by that and prior Acts to mortgagees is extended to lessees. In addition various amendments of the earlier legislation (principally by way of increasing concessions to mortgagors) are included in this Act.

Act No. 17 extends in various particulars the protection given to mortgagors and lessees by the Mortgagors Relief Act, 1931, and its amendments. The tendency since the passing of the original Act has steadily been to extend the nature of the relief given and the classes of transactions which are within its scope. At first, for example, the legislation had no application to mortgages executed after the date of its passing ;

by the Act now under review (s. 2) it was extended so as to bring within its scope two new classes of mortgages, namely: (1) mortgages which have since the passing of the principal Act been materially varied by the parties; (2) mortgages executed since the passing of the principal Act in replacement or substantial replacement of mortgages executed before that date.

A curious provision is contained in s. 8. Its effect, if any, is to enable the court to exert a certain moral influence over a class of mortgagees who are thought to occupy an unduly favourable position in relation to other secured creditors. These are mortgagees who by virtue of their securities over stock and other produce are entitled to receive the proceeds of the sale of their debtor's produce, paying over to him what they consider sufficient for maintenance purposes and utilizing any balance to reduce his indebtedness. There has been much popular agitation to have the stock mortgagee made subject in all respects to the same conditions as affect mortgagees of land, but, to mention only one difficulty, sufficient attention does not seem to have been paid to the distinction between a mortgage debt of an amount certain for a fixed term, and a mortgage debt, for no fixed term, and varying from day to day as payments on behalf of the debtor are made or received by his banker or stock mortgagee. The section in question expressly enables the court to join the stock mortgagee in any proceeding for relief; when that is done the Adjustment Commission to whom the application for relief is referred is directed " to make special inquiries and to report whether or not, in its opinion, any power or right conferred by any such mortgage assignment or other instrument has been exercised in a harsh or unconscionable manner to the disadvantage of the mortgagor or mortgagee of the land, or other party to the proceedings."

Still further provisions in relief of mortgagors are contained in Act No. 34, 1932–33. Most of the provisions of this amendment were passed with the intention of affording relief in particular cases of hardship that had been brought to the notice of the authorities.

The principal provisions are as follows: (1) s. 2 gives to a mortgagor a right to apply again to the court for relief, if his mortgagee, having been authorized to execute his powers of sale or other remedies, has " slept " on his accrued right for three months or more; (2) s. 3 invalidates " contracting-out " agreements entered into between mortgagors and mortgagees. It applies to future agreements of the class referred to as well as to agreements that were in force when the amending Act came into operation; (3) s. 4 gives further protection to lessees, by prohibiting a landlord from executing judgments for rent without complying with the requirements of the principal Act as to notices, etc., so giving to the tenant an opportunity of applying to the court for relief.

Unemployment.—The persistence of the economic depression has rendered inadequate the provision made in relief of unemployment by the Unemployment Acts of 1930 and 1931, which (*inter alia*) imposed a special income-tax of 3*d*. in the £ for the establishment of an Unemployment Fund. By the amending Act (No. 2) of 1932 that tax is increased to 1*s*. in the £, and the incidence of the tax is enlarged by bringing within its scope the incomes of many women who were formerly exempt. The reason underlying the exemption of women in the first place was twofold—in the first place, no special provision was contemplated for the relief of unemployed women, and in the second place, it was considered that the difficulties of collection outweighed the advantages. But the latter consideration disappeared when the rate of tax was trebled, and the law was amended imposing the tax on women whose annual income was in excess of £20.

A further change of policy is initiated by s. 14 of the amending Act, by which the Unemployment Board is empowered to make provision for the issue of food and clothing, the original policy being in general "no work—no relief." Up to the time of writing (June 1933) the general practice is to make the performance of work a condition of the receipt of relief, but the rule is subject to exception.

In addition to the general amendments of the former law indicated above, a scheme of settlement on small farms is inaugurated by this amending Act, a scheme which was afterwards extended by the Small Farms (Relief of Unemployment Act), 1932, No. 43 (*post*). The intention at first was merely to authorize a system of what could be called licensed "squatting" (to use an early colonial word), but this, though it gave a certain immediate relief, was not likely to be satisfactory, and the later Act provides for a proper tenure being given to the lands made available for selection as small farms.

Small Farms (Relief of Unemployment).—Act No. 43 is a measure complementary to Part I of the Unemployment Amendment Act (No. 3) (*supra*). In that Act the Legislature had in mind the authorized but informal occupation of land by persons otherwise unemployed, that they might be thus assisted to provide in part for the suitable maintenance of themselves and their families. This informal tenure soon proved unsatisfactory, and the Act now under review provides for leases of suitable land being granted to persons registered as unemployed or to other persons (not themselves unemployed) whose occupation of land would tend to reduce general unemployment. The tenure contemplated is a lease for ten years, with a right to the tenant to acquire the fee-simple of his holding. Special provisions are made for the acquisition of land for the purposes of the Act on terms favourable to the prospective tenants. If sufficient land is not voluntarily made available for acquisition by the Crown for the purposes of the Act, it may be compulsorily acquired. Where land acquired is subject to mortgage, provision is made for protection of the interests of the mortgagee (whose consent is not essential) by the application for his benefit of part of the rent and purchase-money.

Though the scheme is expressed to be in relief of unemployment, its administration is with the Minister and Department of Lands, not the Minister of Employment.

Public Safety Conservation.—The long title of Act No. 3 is "An Act to make Provision for the Protection of the Community in Cases of Emergency." It is an adaptation without material alteration of the Imperial Act, 10 & 11 Geo. V, c. 55, the short title of which is the Emergency Powers Act, 1920.

In addition it contains provisions which give to the senior officer of police in any district an immediate authority in case of a sudden grave emergency (*e.g.* such as earthquake, fire, tempest, public disorder) to take control, pending the issue of an emergency proclamation which would bring into operation the special regulations applicable in such events.

Industrial Conciliation and Arbitration.—Act No. 4 in its passage through Parliament was a very contentious measure, its general purpose being sufficiently if not very accurately described in the political phrase "voluntary arbitration, compulsory conciliation." Instead of unsettled industrial disputes being automatically referred to the Court of Arbitration for settlement (the terms of settlement being embodied in an award, enforceable by action), the amending Act provides more machinery for the settlement of disputes by means of conferences of the parties or their representatives, but restricts the reference of disputes to the court to those rare cases where the representatives of employers and workers are practically unanimous in the desire to refer the matter to the court for the making of an award. Failure to settle a dispute involves the cancellation of existing awards or industrial agreements, leaving the way clear to freedom of contract between employer and workers.[1]

National Expenditure Adjustment.—Act No. 8 contains machinery for a comprehensive reduction of public and private expenditure. By Part I further reductions on the lines of those effected by the corresponding Act passed in 1931 (No. 1, Part I) are made in the salaries and emoluments of Members of Parliament, Ministers of the Crown and public servants. In the case of public servants in receipt of not more than £225 per annum, the rate of reduction is fixed at 5 per cent.; other rates of reduction are 10 per cent. (up to £720); 12½ per cent. (above £720); and, in the case of Ministers of the Crown, 15 per cent. As in other Acts, corresponding reductions are made in the grants made out of public moneys and available for the payment of salaries by educational and other public authorities.

By Part II a general reduction was made in the rates of pensions and of other payments made out of public moneys. The pensions affected included old-age pensions, widows' pensions, miners' pensions, family allowances and war pensions.

The purpose of Part III of the Act is therein expressed to be "to effect reductions in rates of interest payable by mortgagors and in rents and certain other fixed charges, commensurate with the reductions in salaries and wages made by or pursuant to Parts I and II of the Finance Act, 1931, and by Part I of this Act." Speaking generally, the Act seeks to reduce rents and interests by 20 per cent. of what is recognized as the rates appropriate to contracts of tenancy or of mortgage entered into on January 1, 1930. This Part necessitates elaborate machinery provisions designed to avoid hardship in exceptional cases. Supplementary provisions give to the Supreme Court power, on applications based on hardship, to make orders for the reduction of annuities and of other periodical payments (*e.g.* alimony, maintenance orders, etc.).

Part IV imposes an *ad valorem* stamp duty of 10 per cent. on interest derived from government and local bodies' stock (including debentures), the proceeds so derived from local bodies' stock being paid over to those bodies. These provisions have been largely superseded by later legislation for the conversion of government and local bodies' loans.[2]

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[1] At the time of writing (June 1933) the Labour Department reports on the amending Act as follows: "This legislation came into force a little over twelve months ago, and a review of its operations during that period shows that both employers and workers are desirous of having the conditions of employment in industry established by awards or agreements. This desire is manifested by the fact that a settlement has been arrived at in approximately two-thirds of the disputes dealt with during the period. In the remaining disputes the main cause of disagreement has been the question of wages, but in a number of these further efforts are being made by the parties to effect settlements."

[2] See Nos. 37, 41 and 42, pp. 110, 111.

Part V gives to the Governor-General authority to fix the maximum rates of interest that could be paid on deposits by savings banks, building societies and investment societies, while corresponding provisions are made by Part VI in respect of deposits accepted by trading companies.

Tariffs.—The Trade Agreement (New Zealand and Canada) Ratification Act (No. 10) confirms an agreement for customs reciprocity made between the Governments of Canada and New Zealand. The agreement was originally for a term of one year commencing on May 24, 1932, but its operation has been extended for a further period of six months.

Customs.—Act No. 13 was passed for the purpose of giving effect to an agreement between His Majesty's Government of the United Kingdom and His Majesty's Government of New Zealand, reached at Ottawa in the course of the Imperial Economic Conference held there in 1932.

Finance.—Act No. 11 contains 68 sections, many of which are included therein from reasons of parliamentary expediency rather than because of their appropriateness to a measure that purports to deal with the public finances.

Part I marks a simplification in the methods of keeping the public accounts. By it a great many statutory accounts within the Public Account have been abolished; this does not mean that items of revenue and expenditure will be less carefully recorded, but the records will be matters of good book-keeping and not of law. The existence of a large number of statutory accounts gave rise to innumerable questions which, though in themselves only matters of book-keeping, were elevated into matters of law, and the statute-book has for many years been disfigured by innumerable special provisions for the adjustment of accounts within the Public Account.

Part III contains amendments of the State Advances Act, most of them being rendered necessary by reason of the financial difficulties which beset the mortgagors of the Department by reason of the persistence of the economic depression. One of the most important of these amendments is that which provides for the capitalization of arrears of instalments of principal and interest.

Part V contains a series of amendments of the Education Act. The most important is that which raises from five to six years the age at which children become eligible to be enrolled as pupils of a State school.

Part VI is a veritable hotch-potch. Its most important provision is the extension of the life of the existing Parliament from three to four years.

Act No. 45 is the fourth and last Finance Act passed during the sessions the work of which is now under review. It contains forty-one sections in all, very few of which call for mention.

S. 8 empowers the Minister of Finance to contract with the Master of the Royal Mint for the minting of special silver and bronze coins, with a distinctive design, so as to have value as currency in New Zealand alone. Since the enactment of this section there has been a good deal of advocacy of a scheme for the minting in New Zealand of its own silver and bronze coins, and it is possible that further legislation will be passed.

Another provision, a sign of the times, is to be found in sections which require the payment of annual licensing or practising fees by medical practitioners, masseurs, opticians and plumbers (with respect to all of whom there are in existence systems for annual registration, administered by the Department of Health). The annual fee is not designed for revenue purposes, but is merely sufficient to cover the departmental costs involved in the administration of the several systems of licensing and registration.

S. 19 imposes a special tax on motor-vehicles of which the motive power is not derived from motor spirits (*e.g.* motor-vehicles using electricity or crude oil as the basis of motive-power). The tax is calculated by reference to mileage records.

None of the remaining sections of this Finance Act calls for special mention, the Act being largely of that kind that is aptly described as a " washing-up " measure.

Rent Restriction.—Act No. 14 extends the duration of the rent restriction legislation until August 1, 1933.[1]

Local Government.—The Municipal Association Act (No. 19) marks a certain advance in the domestic affairs of local governing bodies. For many years there has been in existence an unincorporated organization of borough councils and town boards. This Act incorporates that organization (the rules of which are set out in a schedule), and confers on it power to hold real and personal property and other incidents of corporate existence.

Urban Farm Land Rating.—The purpose of Act No. 20 is to reduce the burden of rates on land which, though situated within the boundaries of a borough or town district, is used exclusively or principally for agricultural, horticultural or other rural purposes. The Act provides the machinery necessary for the assessment of a special rateable value of lands of the class to which it applies, conferring rights of objection on persons who may be adversely affected by consequent changes in the incidence of rates.

Dependencies.—The Cook Islands Amendment Act (No. 21) transfers the administration of the Island of Niue (which is one of the Cook Islands) to the Department of External Affairs, which administers the mandated territory of Western Samoa. The reason for the change is that, because of its geographical situation, Niue is more conveniently administered from Western Samoa than from Rarotonga.

Hospitals and Charitable Institutions.—Act No. 22 makes various amendments of the principal Act (No. 18 of 1926). The most important of these amendments are those which aim at a reduction in the number of hospital boards. The economic depression has emphasized the need for economy of administration, and the amending Act confers on the Governor-General in Council, after receiving the report of a Commission of Inquiry, authority to reduce the number of boards (there are at present forty-six) and to make the necessary adjustments in the boundaries of districts.

Another amendment (of quite a different kind) is contained in s. 15, which makes the cost of relief afforded by a hospital board to a person who suffers injury by reason of the fault of another, a charge on the damages that he may recover. This amendment is of importance in relation to the Motor-vehicles Insurance (Third Party Risks) Act, 1928.[2]

New Zealand Loans.—Act No. 23 is largely a consolidation of former enactments (viz. the New Zealand Loans Act, 1908, the New Zealand Inscribed Stock Act, 1917, and their respective amendments) ; these enactments in the main prescribe the machinery through which borrowing powers from time to time conferred on the Government may be exercised.

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[1] Later in the session this date of expiry was extended to October 31, 1933 (when in all probability it will be still further extended).

[2] Reprint of Statutes, vol. viii, p. 822.

In the result the new measure effects certain economies in administration. Part III repeats the provisions of the British Investors' Rights Act, 1908. By virtue of these provisions the Government is under an obligation to pay out in London, in accordance with the final order of a court of competent jurisdiction in the United Kingdom, any moneys adjudged to be payable by that Government in respect of any government debentures or other government securities.

Fire Brigades.—Act No. 26 resembles the Hospitals and Charitable Institutions Amendment Act (No. 22) in that it aims at a reduction of the administrative expenses of local government by a reduction in the number of governing bodies, with the consequent adjustment of the boundaries of districts. The development of motor traffic is one of the causes that has made possible the effective and economical administration for purposes of local government of larger areas than formerly.

Property Law.—Act No. 27 is founded on s. 99 of 15 Geo. V, c. 20. It confers on a mortgagee in possession power to grant a lease of the mortgaged land for a term not exceeding seven years in any case.

Waitangi National Trust.—Act No. 28 is incidentally a record of the generosity of the Governor-General of New Zealand (the Right Hon. Lord Bledisloe) and of Lady Bledisloe, who, having acquired an area of something over 1,000 acres, including the site of the signing of the famous Treaty of Waitangi,[1] have transferred it to a Board of Trustees, to be held as a place of historic interest, recreation, enjoyment and benefit for the people of the Dominion of New Zealand. At a later period their Excellencies acquired a further surrounding area of about 1,400 acres, and transferred it to the Trust Board, to be held by it in conjunction with the area formerly vested in it.

The Waitangi Endowment Act (No. 44) is complementary to the Waitangi National Trust Board Act. The endowment (which is the gift of their Excellencies Lord and Lady Bledisloe) comprises over 1,300 acres; one purpose of the endowment is to serve " as a scenic background for the lands of the Waitangi National Trust." Subject to the obligation to observe this purpose, the endowment is to be administered as a State forest, one-half of the net revenues being payable to the Trust Board.

Court of Appeal.—Ordinarily the Court of Appeal holds its sittings at times and places fixed by the Governor-General in Council in accordance with the provisions of the Judicature Amendment Act, 1913. Provision is made by the Judicature Amendment Act (No. 31) for special sittings of the Court of Appeal where circumstances make it undesirable in any particular case that an appeal should be held over until the next ordinary session of the court. The amending Act was rendered necessary by circumstances arising out of the admission by the trial judge of certain evidence in a case of murder. The accused was convicted and condemned to suffer the penalty of death, and, in the absence of special legislation, the questions reserved for the Court of Appeal could not have been disposed of for two months or more after the conviction.

Exchange on London.—One of the expedients adopted by the Government of New Zealand to alleviate hardship arising from the low prices obtained overseas from the sale of primary products was the increase of the rate of exchange on London from 10 per cent. (which had been the ruling rate since the beginning of 1931) to 25 per cent. As the new rate was being fixed artificially, the banks were reluctant to take the initiative.

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[1] See Reprint of Statutes, vol. vi, p. 101.

and the Banks Indemnity (Exchange) Act (No. 32) was passed. The principal substantive provision contains an undertaking by the Government that it will, on application, purchase from the banks any exchange acquired in London, in respect of their New Zealand business, on or after the date when the rate of exchange was artificially increased (viz. January 20, 1933).

Sales Tax.—Act No. 33, though not passed until March 9, 1933, actually became operative (by virtue of Resolutions passed by the Committee of Ways and Means of the House of Representatives) on February 9, 1933.

The Act is administered by the Comptroller of Customs (as one of the Customs Acts, as defined in the Customs Act, 1913). The effect of the new Act being constituted " a Customs Act " is to incorporate therein, without the necessity of re-enactment, the tried machinery provisions of the Customs Act, 1913.

The tax is levied on the sale value of taxable goods (*a*) sold by a wholesaler, or (*b*) manufactured by a manufacturing retailer, or (*c*) imported into New Zealand (in each case after February 8, 1933). The rate of tax has been fixed at 5 per cent. of the wholesale sale value. In addition to many statutory exemptions, the Governor-General is empowered to exempt further classes of goods by Order in Council.

Public Debt.—The New Zealand Debt Conversion Act (No. 37) makes provision for the conversion of the internal public debt. The purpose of the Act is to reduce to 4 per cent. the rate of interest payable on government securities where the place for payment is fixed in New Zealand. Where such a reduction would involve a reduction by more than 20 per cent. of the rate of interest, the necessary adjustments are made in the capital sum deemed to be invested. The consequences of failure on the part of investors to submit to the Government's conversion proposals are not made apparent in the Act, but are to be found in s. 5 of the Finance Act (No. 42). The Act not only provides for the reduction of the internal interest debt, but distributes the repayment of principal over dates ranging from January 15, 1940, to June 15, 1955.

The conversion of the debt incurred by local authorities is provided for in Act No. 41 (*post* p. 111).

The Finance Act (No. 42) is complementary to the New Zealand Debt Conversion Act (No. 37). Its effect is that those who dissent from the scheme of conversion therein propounded are penalized by the imposition of an interest-tax at the rate of 33⅓ per cent. of the interest payable in respect of their securities. The Act has no application to securities held out of New Zealand if the holder has a right to require that the interest be paid out of New Zealand.

Land and Income-tax.—Act No. 40 amends in several details the provisions of former Acts. Hitherto income received as pension (including superannuation or retiring allowances to public servants and others) has been treated as " unearned income." By s. 2 of the amending Act it is provided that such payments shall hereafter be classified as " earned " income. Ss. 4 and 5 together impose what has been popularly referred to as a " bachelor tax." S. 4 allows a special exemption of £50 to a married taxpayer in respect of his dependent wife ; s. 5 reduces by £50 the special exemption otherwise allowed to taxpayers generally. The result is that, in the case of married contributors, the reduction in the general special exemption is offset by the new special exemption; but in the case of unmarried taxpayers the effect of s. 5 is left unmodified.

S. 8 contains special provisions as to deductions from gross income to which picture-theatre proprietors are entitled in respect of their electric-sound-production machines.

S. 10 is a machinery provision to assist the Commissioner in checking the accuracy of returns of income from government and certain other specified classes of securities. The Commissioner is required to compile a register of holders (as he already does in respect of debentures issued by local authorities or by companies); when such a register has been compiled, the registered owner is deemed to remain the owner unless and until the Commissioner receives written notice of transfer or other disposition.

The other amending sections are not of general interest.

Local Authorities Debt.—The Local Authorities Interest Reduction and Loans Conversion Act (No. 41) may be regarded as a complement to the New Zealand Debt Conversion Act (No. 37).

Part I (reduction and limitation of rates of interest) provides in the first place for a reduction by 20 per cent. of the rate of interest payable on existing local authorities' debentures where the principal or interest is payable in New Zealand, but so that the rate is not reducible below 4½ per cent.

Part II provides authority for the conversion by local authorities of their internal debt. The circumstances of the several local authorities are so diverse that no common scheme was found practicable; local authorities are therefore invited to propound schemes, which, after consideration by the Local Government Loans Board, are submitted to the Governor-General in Council. Debenture-holders who decline to accept new securities in terms of a conversion scheme are penalized by a further reduction of interest to a rate that is 33⅓ per cent. lower than the original rate.

Local Legislation.—This public Act (No. 47) contains 65 sections; special Standing Orders of the House of Representatives govern its introduction and passage, and, in the absence of such regulations, the miscellaneous selection of matters dealt with would each be properly the subject-matter of a local Bill. Before the Standing Orders referred to above were adopted in 1926 there was a constant abuse of parliamentary procedure. Matters of a kind now dealt with in a Local Legislation Act were frequently included in Finance Bills, or other equally inappropriate measures.

Government Railways.—Act No. 48 empowers the Governor-General to sell or otherwise dispose of railway lines to private companies if they cannot be profitably worked by the Government Railways Board.

Education.—Act No. 49 contains miscellaneous amendments of the Education Act, 1914, and certain subsequent Acts relating to primary or secondary education. The provisions governing the appointment, transfer and removal of teachers have been consolidated, with amendments (s. 2); "junior high schools" are abolished by s. 3, and provisions for the establishment of "intermediate schools" have been substituted; by s. 4 provision is made for the summary removal from duty of teachers charged with neglect of duty, immoral conduct or gross misbehaviour. Other provisions made by this Act are of minor importance and do not call for special mention.

V. WESTERN PACIFIC

1. FIJI.

[*Contributed by* C. G. Howell, Esq., *Attorney-General.*]

Forty-two Ordinances were passed by the Legislative Council in 1932, of which the following are the principal:

Electricity.—No. 1 is an enabling measure designed to give the Governor in Council control of the generation and supply of electricity, and for that purpose power is given to the Governor in Council to proclaim areas within which electricity may not be generated, disturbed or supplied without a licence, and to make regulations. Regulations of standard form are included in the schedule.

Bankers' Books Evidence.—Probably by an oversight the principles of the Imperial Bankers' Books Evidence Act, 1879, had never been applied to the Colony. No. 2 supplies the omission.

Legitimacy.—No. 3 brings the law relating to children born out of wedlock into line with conventional modern practice.

Usurious Loans.—No. 13, which follows closely the provisions of the Indian Usurious Loans Act, 1918, enables a court in any action for the recovery of a loan or the enforcement of any security to reopen the transaction when the interest is excessive and the transaction as between the parties is substantially unfair.

Jurors and Assessors.—No. 16 provides machinery for the preparation of lists of jurors and assessors by the Chief Justice for both civil and criminal cases. The repealed provisions of the Criminal Procedure Ordinance dealt of course only with jurors and assessors in criminal cases, and whereas the list of jurors was revised by the Chief Justice, the list of assessors was drawn up by the Colonial Secretary and revised by Executive Council. The practice has now been consolidated in the hands of the Chief Justice.

Obscene Publications.—No. 24 makes it an offence to put into circulation in any manner obscene books, papers or other objects. Provision is made, on the lines of the Imperial Obscene Publications Act, 1857, for the issue of search warrants by District Commissioners and the destruction of obscene articles.

Liquor.—No. 25 consolidates and brings up to date the liquor laws of the Colony. Special provision is made with regard to the sale of liquor to children and young persons, and the employment of women and natives in bars is prohibited.

Informations.—No. 33 enacts substantially the provisions of the Indictments Act, 1915, and follows the practice obtaining in most Crown Colonies.

Sale of Goods.—No. 35 follows the classic form of the Sale of Goods Act, 1893. Previously the law of sale in the Colony had been the English law as at January 1, 1875. The difficulty of ascertaining this had tended to increase, and the applicability of English authorities was sometimes a matter of doubt. In addition, in the neighbouring Dominions and many of the States of the U.S.A. with whom the Colony deals, the law is almost uniformly that of the Imperial Act. For these reasons the Code, slightly adapted, was passed.

Stock Improvement.—No. 36 provides for the inspection of bulls and stallions and the issue of licences in respect thereof. An inspector may direct any bull or stallion unfit for the purpose of breeding to be castrated.

Juvenile Offenders.—No. 37 sets up juvenile courts, provides for the appointment of probation officers, for the establishment of places of detention and for the making of probation orders. The method of custody of young offenders when under arrest or after committal, the abolition of the death sentence in the case of children and young persons and their detention in places of detention is also dealt with.

2. WESTERN PACIFIC.

(i) GILBERT AND ELLICE ISLANDS COLONY.

[*Contributed by* HIS HONOUR CAPTAIN M. H. MAXWELL-ANDERSON, C.B.E., K.C., R.N. (RET.), *Chief Judicial Commissioner, W.P.H.C.*]

During the year 1932, eight Ordinances were enacted.

Trade.—No. 5 prohibits the use of the Red Cross in connexion with any trade or calling and No. 8 provides for the creation of minimum wage-fixing machinery.

Customs.—No. 4, in accordance with the terms of the Geneva Convention relating to the simplification of customs formalities, provides for the temporary admission of samples free of duty provided that security be given for the payment of the appropriate duty should any such samples be sold or not re-exported within six months of importation.

(ii) BRITISH SOLOMON ISLANDS PROTECTORATE.

[*Contributed by* HIS HONOUR CAPTAIN M. H. MAXWELL-ANDERSON, C.B.E., K.C., R.N. (RET.), *Chief Judicial Commissioner, W.P.H.C.*]

In 1932 eleven King's Regulations were enacted. Nos. 6, 5 and 8 deal respectively with the same matters as are dealt with in Ordinances Nos. 4, 5 and 8 of 1932 in the Gilbert and Ellice Islands Colony (*q.v.*).

The remaining regulations call for no comment, dealing as they do merely with slight alterations in local administrative matters.

(iii) KINGDOM OF TONGA.

[*Contributed by* J. S. NEILL, ESQ., *H.B.M.'s Agent and Consul.*]

Acts passed—10.

Immigration Restriction.—No. 6 Act regulates immigration and provides that no person, save as excepted in s. 11 of the Act, other than a Tongan subject by birth or naturalization, shall enter the country unless in possession of a permit issued by the Premier with the consent of the Executive. The restrictions imposed are additional to the immigration restrictions provided in the Undesirable Immigrants Act of 1920 and the Passport Act of 1922.

Boxing Matches (Regulation).—Act No. 8 provides for the issue of a permit from the police and a medical certificate of fitness as conditions precedent to the staging of a boxing match.

The other Acts passed in 1932 were of local interest.

(iv) NEW HEBRIDES.

[*Contributed by* HIS HONOUR G. A. JOY, *Resident Commissioner.*]

Powers of Registrar of Land Titles.—Joint Regulation No. 1 was enacted to limit and control the powers of the two joint (unqualified) acting registrars, and to avoid having to close down the Registry while the post of registrar (qualified) remains vacant. It provides for search and lodgment of documents and the acceptance of caveats, but not for the carrying out of any operations in property.

VI. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* A. A. SCHOCH, ESQ., *Senior Law Adviser.*]

In 1932 the Parliament of the Union of South Africa passed thirty-five Acts, of which the following are of general interest :

Building Societies and Savings Bank Societies.—Act No. 6, consisting of only one short clause, was passed to enable certain building societies in Natal and certain savings bank societies in the Cape Province to borrow money from the banks to meet certain liabilities incurred in the course of their ordinary business, but which in terms of the statutes establishing those societies could not be met from borrowed moneys. In normal times the societies could defray this expenditure from current revenues, but as a result of the general financial depression these revenues were insufficient for the purpose at the time when the Act was passed.

Diplomatic Immunities.—Act No. 9 exempts diplomatic agents, their families, the members and families of their staffs and their alien servants from the civil or criminal jurisdiction of the courts, except in connexion with the exercise of any trade, profession or calling in the Union, and makes it an offence to issue any legal process against an exempted person or to infringe his inviolability under this Act. It also provides for the recognition of premises occupied by diplomatic agents as legations or official residences ; for the exemption, on a basis of reciprocity, of diplomatic agents and their staffs from all taxes and from customs duties on certain goods imported by them, and for the payment to local authorities, out of State funds, of amounts equal to the rates, taxes or charges in respect of water, light and sanitary or similar services which they are debarred by the Act from levying upon diplomatic agents or their staffs.

The Act also exempts diplomatic agents from certain statutory prohibitions against the acquisition of land by Asiatics or coloured persons, and exempts diplomatic agents and their suites from such prohibitions against the occupation of land by Asiatics or coloured persons, provided such acquisition or occupation is for official or residential purposes.

Companies.—Act No. 11 was introduced into the House of Assembly by a private member of that House but received the support of the Government. It empowers the court, in placing a company under judicial management, to suspend any right of action and any legal process against the company. It also applies to such a company certain provisions of the Insolvency Law relating to undue preferences and the payment of costs and claims of creditors.

Nationalization and Amnesty.—After the Anglo-Boer War of 1899–1902 a number of nationals of the late South African Republic or of the Orange

Free State refused to submit to British rule and either failed to return to South Africa from abroad or left or were expelled from British territory in South Africa after the termination of hostilities. Thus they lost their nationality of origin by the extinction of the former republics, in most cases without acquiring any other nationality.

Several of these persons later returned to the Union and became prominent in public life (one of them even became a Minister of State), but everybody concerned overlooked the fact that they were not British subjects and therefore debarred by law from filling certain posts. The Act (No. 14) under consideration was therefore passed to rectify the position by conferring upon them British or Union nationality with retrospective effect.

This Act also relieves all persons convicted of any offence committed in connexion with the armed revolt on the Witwatersrand in 1922 from any disqualifications resulting from that conviction.

Railways and Harbours Pension Fund.—Act No. 16 amends Act No. 24 of 1925 by slightly increasing the contribution to be made by the members of certain railways and harbours pension funds to those funds, and empowers the Railways and Harbours Administration to pay out of the various pension funds the commuted pensions which had previously to be paid out of the Administration's revenue ; but the withdrawal of those moneys from the pension funds is permitted only on condition of repayment in instalments over a specified period and payment of interest of 4½ per cent. per annum.

Magistrates' Courts.—Act No. 17 amends Act No. 32 of 1917 in several respects. The latter Act provides that all magistrates, additional magistrates or assistant magistrates shall be appointed by the Governor-General. Often it was almost impossible to obtain the necessary appointment by the Governor-General in time, where an acting appointment was urgently necessary as a result of an unforeseen temporary vacancy. The amending Act now empowers the Minister of Justice or the Secretary or Under-Secretary for Justice to make the necessary temporary appointments, in the same manner as Ministers and heads of other departments may make temporary appointments in other branches of the public service.

The Act also raises the value of articles which may not be attached in execution of a magistrate's court judgment from £15 to £50.

The most important part of the Act consists of a provision abolishing civil imprisonment by order of a magistrate's court except for debts incurred through wilful misrepresentations.

Notarial Bonds in Natal.—Act No. 18 was introduced into the House of Assembly by a private member, and as the title indicates, it applies only in Natal.

The courts in Natal have attached to notarial bonds registered in a deeds registry a different effect from that attached to such a bond by the courts in other Provinces. As the matter is based on the common law and not on a statute, it is highly probable that if it were brought before the Appellate Division of the Supreme Court, that court would overrule the prior decisions of the Natal courts and thus seriously affect the value of securities created by notarial bonds as hitherto interpreted by the courts of Natal.

The Act in question was therefore passed in order to validate the interpretation of the Natal courts, but subject to a number of specified exceptions, and curiously enough only in regard to bonds passed and registered in the deeds registry at Pietermaritzburg within five years after the commencement of the Act.

The Act then provides that moveables, specially hypothecated by a notarial bond passed and registered as aforesaid shall, subject to the landlord's tacit hypothec, be deemed to have been pledged to the bondholder as if they had been delivered to him, and that such a bond also extends to the wool or skin of an animal hypothecated thereunder.

The Act also provides for the order of preference in which the proceeds of moveables hypothecated as aforesaid shall be applied in the case of a sale in execution or in case of sequestration or assignment of the bond debtor's estate.

It also provides that any specified crops growing or to be grown may be hypothecated in the same manner as moveables.

Tobacco Control.—Act No. 19 relates only to unmanufactured tobacco. It empowers the Minister of Agriculture to prohibit, control or regulate the importation of tobacco or of any class of tobacco. The Act requires certain persons to hold tobacco traders' licences, for the issue of which it makes provision. The Act empowers the Minister to fix a certain export quota percentage in respect of any or every class of tobacco for every period of twelve months ending on March 31. He may fix different percentages in respect of different classes of tobacco, and may exempt from the export quota percentage a limited quantity of tobacco imported from overseas for the purpose of blending with tobacco produced in the Union with a view to producing a characteristic flavour or aroma. Any person who purchases from a grower or from anyone who is not a tobacco trader any tobacco of a class in respect of which an export quota percentage has been fixed is required to export within a period determined by the Minister such a weight of that class of tobacco as corresponds with the export quota percentage fixed in respect of that class of tobacco. The Minister may allow tobacco to be withdrawn from trade in lieu of being exported. Tobacco imported under export permit in terms of the Customs Agreements with Southern Rhodesia and Northern Rhodesia is exempted. Any person who, before July 1, 1932, had contracted to supply or to accept delivery of tobacco is empowered to cancel the contract within thirty days after the commencement of the Act. The Act provides for entry upon premises and inspection of records of tobacco traders with a view to detecting evasions of the Act, and also provides for certain criminal sanctions.

Temporary Reduction of Emoluments of Servants of the Railways and Harbours Administration.—Act No. 20 reduces the pay (other than sick pay and certain allowances) of all servants of the Railways and Harbours Administration (with the exception of certain non-European labourers) according to a scale commencing at 2 per cent. of any pay not exceeding £2 1*s*. 8*d*. per week and rising to 10 per cent. of any pay exceeding £12 10*s*. per week.

The reduction does not affect the status or grade of any servant, and all contributions to any pension fund payable by all servants, and any pension benefits, compensation or payment in respect of leave due to a servant or his dependents on his retirement or death, shall be calculated as if this Act had not been passed.

In order to avoid innumerable disputes which might arise in the application of the Act to particular cases, the Railway Administration is given the right of authoritative interpretation of the Act.

Although this Act was only promulgated on May 20, 1932, it is given retrospective effect from April 1, but its duration is limited to one year.

Reduction of Salaries of State Functionaries.—Act No. 21 is very similar to Act No. 20 of 1932. It reduces the salaries of the Ministers of State by 15 per cent., of all members of the Senate or of the House of Assembly by 10 per cent. and the emoluments (exclusive of certain allowances) of all State officials (other than certain specified persons) by a percentage ranging from 3½ per cent. on emoluments of £199 or less per annum to 10 per cent. on emoluments exceeding £899 per annum.

The Treasury is empowered to exempt the salaries of certain officials from this reduction if their salaries were previously substantially reduced, or if their salaries have been fixed by special contract, or if a reduction would for other reasons be inequitable or undesirable.

The Act provides for the calculation of emoluments consisting partly of a consideration other than money and of emoluments fixed at other than a yearly rate.

It empowers the governing authorities of certain State-aided educational institutions to reduce the emoluments of their employees by an amount not exceeding 10 per cent.

The reduction of emoluments does not affect the status or grade of the persons concerned and all contributions to any pension fund payable by any official or by any employee of a State-aided institution referred to above, and any pension or other retiring benefit, compensation, gratuity or payment in respect of leave due to an official or such employee or to his dependents on his retirement or death shall be calculated as if this Act had not been passed.

Conversely, any payments due by an official to the Government, which are proportionate to his salary (*e.g.* house rent for an official residence) are likewise calculated on his unreduced salary.

This Act also contains an authoritative interpretation clause, empowering the Minister of Education to interpret this Act in so far as it relates to the above-mentioned State-aided institutions or to their employees, and empowering the Minister of Finance or a person delegated by him to interpret this Act in so far as it affects other persons than the said employees.

This Act is, like Act No. 20 of 1932, given retrospective effect from April 1, 1932, and a duration of only one year.

Flood Distress Relief.—The Drought Distress Relief Act passed in 1927 was originally intended only for the relief of distress caused by drought. Act No. 22 merely amends the Act of 1927 so as to permit of the granting of relief by the State in the case of distress caused by flood as well as in the case of distress caused by drought.

Native Service Contracts and Squatting.—None of the provisions of Act No. 24 applies to the Province of the Cape of Good Hope, and only some of them apply to the Province of the Orange Free State, as the Act is intended almost entirely for the Transvaal and Natal. The Act was brought into operation on July 1, 1933, except s. 9, which in November 1933 had not yet been brought into operation.

The facility with which native servants can abscond and find employment elsewhere has caused much dissatisfaction among employers of natives, especially those who have had to pay so-called capitation fees to labour agents for native labourers supplied to them, and who naturally sustain heavy losses if the labourers engaged by them desert long before the completion of their contract of service. One of the main objects of the Act is to prevent such desertions from service. It therefore provides in the first place for a proper method of identification of all male natives entering into a service contract and provides that no person may employ any male native domiciled in the Union and that no official may furnish such a native with a travelling pass (except to go home) unless such native produces to him a prescribed document of identification (which, in practice, will be combined with the native's annual tax receipt). If the native is not more than eighteen years of age, he must further produce the consent of his father or other guardian, and of the landowner on whose property the father or guardian resides, to enter any other person's service. This latter provision is intended to strengthen paternal control—the weakening of which has caused grave concern to native parents—and also to enable the owner of the land on which a native youth resides to exercise some check upon the latter's movements, in case his guardian fails to keep the youth under proper control. By this means the legislature hoped to prevent the flocking of native youths to the towns, where they are apt to band themselves into lawless gangs, and where they are sometimes lost entirely to their parents.

Further, in order to enable native parents to exercise better control over their young daughters and to stem the drift of young native girls to the towns, where they so easily fall into evil habits, the Act provides that no person may employ a native girl of not more than eighteen years of age unless she produces the consent of her father or other guardian.

It was felt that if such juveniles, whether male or female, cannot obtain employment without their father's or guardian's consent, they are less likely to run away from home and can more readily be brought to book and sent back to their parents when they have absconded.

In the second place, the Act provides that a native who is shown on his document of identification to be domiciled in the Transvaal or Natal, outside a location, may not be employed unless he produces, in addition to his document of identification, a labour tenant contract, showing during what periods he is bound to work under that contract, or a statement by the owner of the land whereon the native is domiciled, to the effect that he is not obliged to render that owner any service during the period of intended employment, and the owner is, under criminal sanction, obliged to furnish the native with a statement as aforesaid, covering any period during which the native is not obliged to serve the owner.

S. 3 of the Act, in legalizing the existing practice, empowers the father or other guardian of a native juvenile of not less than ten and not more than eighteen years of age to enter into a service contract with an employer, on behalf of the juvenile, but if the period of service is to exceed one year, the contract must be in writing. S. 4 empowers the parties to a contract under which a native undertakes to serve an employer, to enter into such contract on a prescribed form before a " competent officer " as defined in the Act, who shall endorse upon the native's document of identification the date and duration of the contract and the name and place of residence of the employer.

Further, at the request of either party to an unwritten service contract as aforesaid, for a period exceeding one month, a competent officer must make the said endorsement upon the native's document of identification, and also enter the stipulated wage thereon, if such officer has satisfied himself in the prescribed manner as to the terms of the contract.

It is obvious that if such a native deserts from his service, he will find it very difficult to obtain other employment, because any new intending employer will at once be able to see from the native's document of identification (which must be produced to him before he may employ the native) that the native is already bound to another employer, and in that case the intending employer is prohibited under criminal sanction from employing the native.

On the other hand, the native is also safeguarded in that the employer cannot, after such endorsement, dispute the wage or duration of service stipulated between the parties.

Provision is also made for an amendment of the said endorsement in the event of a cancellation or alteration of the service contract.

S. 5 of the Act contains numerous provisions regulating in detail the customary squatting contracts or " labour tenant contracts," as they are called in the Act, a labour tenant contract being defined as a contract whereby a native binds himself or his child or ward to render any services, of whatever nature, as a consideration for permission granted to such native or any member of his family or of the kraal or household to which he belongs to occupy or use any land, by a person who has the right to grant such permission.

In view of the frequent evasions of the Natives Land Act, 1913, which can seldom be proved because of collusion between the parties concerned, the Act under consideration provides that if a non-native is charged with having sold or let land to a native in contravention of the Natives Land Act, 1913, such contravention shall be presumed (subject to rebuttal) if the accused had control over the land in question and a native was residing on, using or cultivating such land. Further, if a native resides upon or uses any land outside a location, the magistrate of the district may call upon the owner of such land or his agent to furnish him with specified information concerning such native, and the magistrate may even summon such owner or agent before him and interrogate him on the matter.

For the purpose of combating the evil of so-called " kaffir farming," *i.e.* permitting a number of natives to squat on farm land for a monetary consideration, the much-disputed s. 9 of the Act (which in November 1933 had not yet been brought into operation), imposes upon every owner of land in areas to be defined by proclamation a tax of £5 for every able-bodied native male of more than eighteen and less than sixty years of age who has, during any calendar year, resided on such land without rendering to such owner service during a period of not less than six months or such shorter period of not less than three months as may be determined by proclamation for any particular area. Therefore a landowner upon whose land natives reside must either arrange with them that they work for him for the customary period of service rendered by *bona fide* squatters in the area in question (which period, if less than six months, is to be determined by proclamation), or otherwise pay the above-mentioned tax, which is, however, not imposed in respect of chiefs, headmen, marriage officers, school teachers, ministers of religion and evangelists.

Financial Adjustments.—This annual omnibus Act (No. 25) covers a wider field and deals with more heterogeneous subjects than ever before.

It deals, *inter alia*, with compensation payable, at the discretion of the Postmaster-General, to persons who have suffered any loss through payment to the wrong persons of moneys deposited in the post office savings bank.

The Act provides for the payment of audit fees to the Controller and Auditor-General for the auditing of the accounts of certain persons, bodies or institutions. It also provides for the auditing of the accounts of the Land Bank by the Controller and Auditor-General on payment to him of a fee to be determined by the Treasury.

With a view to a reduction of advertising expenses, the Act empowers any Minister to direct that any official information concerning his department, which must in terms of any law be published (*a*) in a newspaper only, or (*b*) in a newspaper and in the *Gazette*, shall be published (*a*) in the *Gazette* in lieu of in such newspaper, or (*b*) in the *Gazette* only and not also in a newspaper.

The Act makes a Province and the mandated territory of South-West Africa liable for a proportionate share of the pension of a former official whose pension is paid from a fund towards which he made no contribution if that official served the administration of that province or territory at any time since May 31, 1910.

The Act introduces an important innovation into the method of disposal of fines paid by persons convicted of offences under any traffic law. Some of these fines were in the past paid into the various provincial revenue funds or into the treasury of the local authority within whose area of jurisdiction the offence was committed. But now the Act in question provides that all such fines (except those recovered in respect of offences committed in Durban or Pietermaritzburg) shall be paid into the exchequer account. Thereafter, at the end of every financial year a portion of the amount so paid into the exchequer account (not exceeding the sum representing any such fines which was paid into any provincial revenue fund during the year which ended on March 31, 1932) is to be paid over to that provincial revenue fund. Further, the Act provides that out of the balance (if any) of the amount so paid into the exchequer account a sum to be determined by the Minister of Justice shall be paid over to certain local authorities to defray their expenses in connexion with the control of vehicles and traffic within their respective areas.

Mining Rights in the Mandated Territory of South-West Africa.—S. 4 (2) of Act No. 49 of 1919 provides, *inter alia*, that the Governor-General may not grant any mineral rights in the mandated territory of South-West Africa without the authority of Parliament. Act No. 26 excludes from this provision any grant of mineral rights in terms of the German Imperial Mining Ordinances for German South-West Africa passed in 1905.

Customs.—Act No. 27 amends in various respects Act No. 36 of 1925 (particularly the schedules thereto) and imposes a special customs duty or surtax of 7½ per cent. *ad valorem* on all goods imported into the Union, with certain specified exceptions.

Income-tax.—Act No. 28 is the annual Income-tax Act which imposes the usual income and super-tax, and in addition thereto a new surtax on the interest derived from government and municipal and certain other stocks and securities, from debentures, from mortgage and notarial bonds, from fixed deposits and other deposits for investment. The Act amends in various respects the principal Income-tax Act, 1925, and introduces certain new provisions relating to the income of private companies.

Meat Trade Control.—Act No. 29 provides for the establishment of a Meat Trade Control Board to advise the Minister of Agriculture on matters relating to the meat trade and meat industry, and to determine the number of slaughtered animals which may during a fixed period be transported by rail into or out of any area defined by the Board, or which may be offered for sale at any particular market defined by the Board. The Act empowers the Governor-General to fix meat prices and to make various regulations to give effect to the Act.

Motor Transportation.—Act No. 31 amends in various respects Act No. 39 of 1930, so as to make its provisions clearer and more workable. Its most far-reaching provision is a clause of one line repealing the provisions of Act No. 39 of 1930, which prescribed a substantial third-party insurance for all public-service freight motor-vehicles and motor-buses.

Union Defence Force and Dominion Forces.—Act No. 32 consists of two parts: Chapter I, which provides for the maintenance of discipline in the defence forces of the Union, and Chapter II, which deals with the discipline and internal administration of armed forces from the Dominions, or the United Kingdom, present in the Union with the consent of the Union Government.

The reason for the Act was the passing of the Statute of Westminster. That Statute provided that no Act of Parliament of the United Kingdom passed after its commencement should extend to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof. The Army Act of the United Kingdom, as continued by the next Army and Air Force (Annual) Act passed after the commencement of the Statute of Westminster, therefore does not extend to the Union as part of the law of the Union.

The Defence Act, 1912, provided for the discipline of the defence forces of the Union by applying to them the provisions of the Army Act of the United Kingdom, as amended from time to time, with certain modifications. Chapter I of the Act under consideration lays down that those provisions, as amended from time to time up to the commencement of the Act, shall continue to apply to the defence forces of the Union. The Governor-General is empowered to adopt or modify such provisions by notice in the *Gazette*.

The Army Act of the United Kingdom having ceased to be operative *proprio vigore* in the Union, provision is made in Chapter II of the Act under consideration to fill the lacuna in so far as visiting forces from the Dominions are concerned. The general form which such legislation, which was to be reciprocal, was to take was agreed upon at the Imperial Conference of 1930. It is provided that the service courts and authorities of a visiting force from a Dominion shall be entitled to exercise, within the Union, in relation to members of that force, in matters concerning discipline and in matters concerning the internal administration of the force, all powers conferred upon them by the law of that Dominion. Provision is made for assistance to such visiting forces by the Union authorities, for the reception in Union prisons or detention barracks of members of visiting forces sentenced by their own service courts, and for the apprehension of deserters from visiting forces. The Act allows members of Dominion forces to be temporarily attached to a Union force, and *vice versa*. Provision is made for the extension of portions of the Act to the mandated territory of South-West Africa, and for the application of portions of the Act to any British possession or protectorate or any territory under British mandate.

Land Tenure by Asiatics in Transvaal.—The Transvaal Gold Law of 1908 (Act No. 35 of 1908), like its predecessors, limits the right of occupation of land on a public digging by coloured persons (an expression which includes Asiatics and natives), but this limitation has not been very clearly expressed and has in some instances been construed by the courts in a manner which makes it almost nugatory. The Act (No. 35) under consideration remedies this defect and states more clearly what was the obvious intention of the legislature in 1908. Moreover, in order to safeguard persons who acquired land on a public digging on the assumption that no coloured person will be permitted to occupy land in their neighbourhood, the Act continues the prohibition against occupation of such land by coloured persons, even after deproclamation of the digging.

In spite of the prohibition in the Gold Law against occupation of proclaimed land by coloured persons, a large number of coloured persons has for many years past been in occupation of stands on land proclaimed a public digging on the Witwatersrand, and in order to legalize that occupation the Minister of the Interior is empowered by the Act to withdraw any land on a public digging from that prohibition.

Those coloured persons who unlawfully occupy land not so withdrawn from the said prohibition may continue that occupation till April 30, 1935, provided they notified the said Minister of their unlawful occupation before September 1, 1932.

Law No. 3 of 1885 of the Transvaal prohibits the acquisition of land in the Transvaal by Asiatics. This prohibition was circumvented by the acquisition of land by limited liability companies consisting wholly or mainly of Asiatic shareholders. This evasion of the law was remedied to some extent by Act No. 37 of 1919, but it left numerous loopholes of which the Asiatics availed themselves to the full. Moreover, an Asiatic could, without resorting to the company law, always acquire land through a European as nominal owner. Now Act No. 35 of 1932 enacts elaborate provisions to prevent the acquisition of land or the acquisition of the control over land by an Asiatic—whether directly or indirectly.

The various provisions of this Act do not infringe any vested rights.

With a view to avoiding friction with other governments the Act empowers the Minister of the Interior to exempt any consular officer or public agent of any other State and his subordinates or collaborators and the members of his household from the provisions of any law prohibiting the residence upon or occupation of land by an Asiatic or coloured person.

Lastly, the Act empowers an Asiatic or coloured person who is a consular officer or public agent of any other State or the subordinate or collaborator of such an officer or agent to acquire, with the consent of the Minister of the Interior, any land required for his office or residence.

2. CAPE OF GOOD HOPE.

[It is hoped to publish this Summary in the next *Review*.]

3. NATAL.

[*Contributed by the* HON. MR. JUSTICE LANSDOWN.]

Twenty ordinances were passed by the Provincial Council of Natal during the calendar year 1932, of which three were appropriation measures.

Salaries and Pensions.—The stringency of the financial situation led to the passing of Ordinances Nos. 3 and 5, which provide for the temporary reduction of the emoluments of teachers and employees of the Provincial Department of Education, and of persons employed in other departments of the Provincial Administration. Pension rights are not affected by any reductions made under these Ordinances.

Ordinance No. 10 makes certain amendments of the Natal Teachers' Pension Fund Ordinance No. 7 of 1913, as amended from time to time. Ordinance No. 18 provides special pension or other retirement benefits to certain individual teachers or other servants of the Provincial Administration.

Public Health.—Ordinance No. 7 amends the Health Committees Ordinance, 1932. The rates which a Health Committee is authorized to impose may now, under this amendment, be varied according to the use to which the land or building rated is put; and the committees are given certain additional authority in respect of incidental expenditure in the carrying out of any purpose not specifically provided for by the law.

The provisions of the Health Committees Ordinance No. 14 of 1930 are amended by Ordinance No. 11 in such a manner as to enable the Administrator, when constituting a Health Committee thereunder, to declare that its duties shall be restricted to measures for the stamping out and prevention of malaria. Any such committee is to be known as a Malaria Committee, and it is given special power to enter upon property and there, at the owner's or occupier's expense, to carry out anti-malarial work which the owner or occupier has been ordered but has failed to perform.

Local Government.—To provide for the reconstruction and reconditioning or the improvement of certain main roads, the Borough's Ordinance of 1924 is amended by Ordinance No. 6. To this end the Administrator may enter into agreements with a town council, may authorize any such body to borrow money and may make provision for contributions by the Provincial Administration.

The Local Urban Areas Administration Ordinance of 1926 is amended by Ordinance No. 9 so as to enable a body constituted thereunder to impose interest penalties on unpaid rates.

The powers of the town council of the borough of Durban are amended in certain particulars by Ordinances Nos. 13 and 19. By s. 3 of the latter the council is authorized to regulate, control and restrict the soliciting in public of assistance towards the maintenance conduct or management of any charitable institution.

Charitable Institution Control.—Ordinance No. 8 provides for the registration and control of charitable institutions. No such institution, as defined in the Ordinance, may be conducted unless the committee or person responsible for its management is in possession of a certificate of registration issued by the Administrator.

Road Traffic.—Ordinance No. 14 provides that owners' names and addresses shall be painted upon animal-drawn vehicles save those carrying persons only and without profit.

4. ORANGE FREE STATE.

[*Contributed by* H. Pring, Esq.]

During the year 1932 the Provincial Council of the Orange Free State passed nine Ordinances. Four of these (Nos. 1, 2, 3 and 9) were Appropriation Ordinances.

Dogs.—Ordinance No. 8 consolidates and amends the law relating to the keeping of dogs and the dog tax. Certain of the provisions of Ordinance No. 7 of 1921, which provided for exemption from the payment of the dog tax of dogs owned by members of vermin hunt clubs and which provisions were repealed by Ordinance No. 5 of 1930, have been re-enacted in a modified form.

The new Ordinance alters the last date for the payment of tax from December 31 to August 31, thus bringing the collection of this tax into line with the wheel tax and the annual motor-vehicle licence.

Local Government.—The more important matters dealt with in the Local Government Amendment Ordinance (No. 5) are as follows: (*a*) gives to a town council the power to establish, carry on, etc., a sporting and social club for the benefit of the inhabitants of the municipality; (*b*) amends the definition "owner" so as to exclude persons who have acquired ground on the deferred title system until the full purchase price has been paid, subject, however, to the proviso that any such purchaser of land under a system of deferred title who undertakes to pay the town and other rates in respect of such land shall fall under this definition as from the date of the first payment by him of such rates notwithstanding the fact that a portion of the purchase price still remains to be paid.

Roads.—Ordinance No. 6 consolidates and amends the law relating to the construction and maintenance of certain roads within the Province and defines the respective rights of the Provincial Administration, landowners and travellers in connexion therewith. The text has been subjected to a large number of amendments, but the underlying principles remain as hitherto.

Road Boards.—The Road Boards Consolidation Ordinance No. 14 of 1931 has been amended by Ordinance No. 7 in the following respects, viz.: (i) to provide (*a*) for a reduction in the amount allocated annually to road districts as from April 1, 1932, and (*b*) for 70 per cent. of the amount allocated to each road district to be expended on district roads in that road district in such manner as the Administrator may determine; (ii) provides for the filling of a vacancy occurring by reason of the death of a member of a road board.

Shop Hours and Half-holidays.—The Shop Hours and Half-holiday Ordinance No. 6 of 1925 is amended by Ordinance No. 4 (i) to prevent the storage in a "privileged shop" of goods which the shopkeeper is not empowered to sell in such shop by the licence under which he carries on business therein; (ii) to provide that although some other day of that week may have been appointed as the weekly half-holiday the Wednesday of the week in which the annual agricultural show is held in Bloemfontein by the Central Agricultural Society shall be observed as a half-holiday in addition; (iii) to provide that the limitation of working hours of shop assistants and the grant of annual leave of absence to such employees provided for in the principal Ordinance shall not apply to or in respect of any assistant covered by an award under the Industrial Conciliation Act (1924) or by any determination made under the Wage Act (1925); and (iv) to provide for the appointment of shop inspectors.

5. TRANSVAAL.

[It is hoped to publish this Summary in the next *Review*.]

6. NORTHERN RHODESIA.

[*Contributed by* E. E. Jenkins, Esq., *Acting Solicitor-General.*]

Ordinances passed—31.

Bank Notes and Coinage.—Ordinance No. 7 makes provision for the payment of a duty on bank notes and Ordinance No. 25 enables Southern Rhodesia silver coins to be declared legal tender within the Territory.

Weights and Measures.—Ordinance No. 8 is a comprehensive enactment based on the English Act of 1878 as amended from time to time. The English units are adopted and are defined by reference, where necessary, to the standards created by the Act of 1878. The main object of this Ordinance is to ensure the use by tradesmen of certified weights and measures, and accordingly provision is made for the appointment and duties of inspectors. The latter are provided with secondary standards (which are checked periodically with the Territory standards), and weights and measures can be verified and stamped at such times and places as the Commissioner of Police may appoint or verification and stamping can be made compulsory in any area in which the Governor is satisfied that sufficient facilities exist.

Mine Townships.—Ordinance No. 11 provides for the establishment and regulation of townships on land owned by mining corporations. The main object is to enable a mining corporation to build and regulate its township for its employees without interference from municipal or township authorities. The mining corporation provides the land, the buildings and the essential services and should therefore have control.

Power is given to the Governor in Council to declare an area a mine township at the request of a mining corporation ; a board of management, a corporate body, is appointed by the Governor, and the Board is given power to take all necessary measures for the proper conservancy, lighting and public health of the township. The Board is also given certain financial powers and, subject to the approval of the Governor in Council, has power to make by-laws. Mine townships are exempted from the provisions of the Municipal Corporations Ordinance, the Townships Ordinance and the Town Planning Ordinance, but the Public Health Ordinance applies and the Board is deemed to be a local authority within the meaning of the latter Ordinance.

Entertainments Tax.—Ordinance No. 12 imposes a graduated tax on the price of admission to theatrical, cinematographic, circus, variety and musical entertainments. It is of a temporary nature, lapsing on March 31, 1934. Provision is made for exemption of entertainments for certain approved purposes.

Mufulira-Mokambo Railway.—Ordinance No. 14 provides for the transfer to the Mashonaland Railway Company Limited of the statutory rights conferred upon the Mufulira Copper Mines Limited by the Mufulira-Mokambo Railway Ordinance (c. 135) in respect of this railway.

Customs and Excise.—Ordinance No. 16 increases the duties on twenty-two customs tariff items with the twofold object of raising additional revenue and bringing the rates of duty into conformity with the rates in Southern Rhodesia. The customs agreement between this Territory and Southern Rhodesia aims at uniformity and the Southern Rhodesia Legislature had enacted the increased duties in the previous April. An important feature is the temporary nature of the increased duties ; the previous duties revive and again become operative, unless provision is made to the contrary, on April 1, 1934.

Another important feature is the repeal of the so-called Rhodes Clause. This clause, s. 10 of Ordinance No. 18 of 1931, aimed at Imperial Preference by restricting the customs duties on goods from Great Britain and British possessions to certain rates of duty in force in South Africa in 1898. These duties, however, are now found to be an obstacle to the framing of our tariffs, and as the Ottawa Conference has recently created new Agreements of Imperial Preference, the need for the Rhodes Clause has disappeared.

Ordinance No. 26 gives effect to the Ottawa Conference decisions which affect this Territory. The schedule of duties is amended so as to give new Empire preferences on twenty tariff items.

Minimum Wage.—Ordinance No. 27 sets up machinery for the fixing of minimum wages in pursuance of the International Labour Convention adopted at the eleventh session of the League of Nations in the year 1928.

The Governor in Council is given power to fix a minimum wage for any occupation in any district in which he is satisfied that the wages for that occupation are unreasonably low; and regulations can be made for the appointment of Advisory Boards and for the giving of notice to persons affected.

Non-Native Personal Tax.—Ordinance No. 28 imposes a tax of £1 on every non-native who has reached the age of twenty-one years. It carries into effect a recommendation of the Finance Commission and applies only to the year 1933.

Trades Licensing.—Ordinance No. 29 implements a recommendation of the Finance Commission by increasing the fees for certain licences by 50 per cent. and introduces a new provision for the advertisement of applications for and transfers of licences. This latter provision is the result of recommendations by the commercial community for the better safeguarding of creditors.

Tax on Official Salaries.—Ordinance No. 30 gives the Governor in Council power to impose a tax not exceeding 10 per cent. on all salaries exceeding £18 per month: it applies only for the financial year 1933–34.

Income-tax.—Ordinance No. 31 is the result of another recommendation of the Finance Commission for increased revenue. It abolishes the allowance in respect of earned income, reduces the allowance for a wife from £600 to £420, increases the allowance for a child from £90 for the first and £60 for each subsequent child to a flat rate of £100 for each child and increases the rate of tax.

7. SOUTHERN RHODESIA.

1931.

[*Contributed by* A. E. Speight, Esq., K.C., *Solicitor-General, Acting Judge.*]

During 1931 further progress was made in the consolidation of legislation. Magistrates' courts, nurses, midwives, etc., posts and telegraphs, prisons and the public service each formed the basis of comprehensive enactments consolidating and amending the law.

Detailed treatment is impossible in a short review, and I must confine myself to saying that the most recent legislation was examined and borrowed from in the effort to produce effective and up-to-date statutes.

The following statutes are to a great extent new legislation as distinct from amending Acts:

Bank Notes.—Acts Nos. 28 and 34 provide for the issue of bank-notes by banks in the Colony under permits from the Treasurer. Such banks must hold at least 20 per cent. of the value of notes in circulation in the form of gold, and in addition deposit securities (issued by the Governments of the Colony, the Union of South Africa, Great Britain and Northern Ireland) to the value of 80 per cent. of such value. Notes issued under these Acts are declared to be legal tender, provided that the bank issuing is prepared to exchange gold for its notes. This proviso may be and has been suspended.

Returns must be made to the Treasury of notes issued and in circulation, and a duty of ½ per cent. is payable at the end of each half-year on the value of notes in circulation during that half-year.

Cattle Levy.—By Act No. 11 a levy up to 2*s.* 6*d.* per head is to be paid on all cattle slaughtered for sale or consumption and on those exported alive or as chilled or frozen meat. From the amount so obtained there shall be paid to the Exchequer Account a sum not exceeding that paid out of public funds in respect of export of cattle (not to exceed £15,000 in all). Subject to this payment the proceeds of the levy are to be utilized for payments of subsidies on export of meat or cattle, for expenses of the advisory board and for approved purposes to assist the development of the cattle industry. The advisory board is to consist of a nominee of the Minister and four nominees of cattle breeders.

Dairies.—By Act No. 23, a Dairy Industry Control Board is established, representative of the various industries, with powers to impose levies on butter and cheese manufactured in or imported into Southern Rhodesia for the benefit of the dairy industries. Provision is made for the inspection, grading, packing and description of dairy products, for the registration of creameries, dairies, etc., and generally for regulations regarding the carrying on of dairy industries.

Maize Control.—Act No. 33 provides for the compulsory control of the sale of maize and maize meal. All maize or maize meal grown or produced in the Colony, other than that grown in exempted areas and that required for private consumption, also all imported maize or maize meal other than that imported for private consumption, vests in a board appointed by the Governor and consisting of representatives of chambers of commerce, maize growers, maize co-operative companies and an official member as chairman. The board undertakes the sale of the maize and makes advances from time to time to the producers.

This Act is only in operation until the end of May 1934, unless re-enacted.

Tobacco Pests.—Act No. 16 provides for the licensing of all warehouses from which tobacco is to be exported and the inspection of such warehouses and the tobacco therein, the object being to suppress tobacco pests and ensure the export of clean tobacco only.

The principal matters dealt with by amending Acts were:

Customs and Excise.—Act No. 25 effects numerous changes in the tariffs. It also abolishes the "Rhodes Clause" which, as modified in 1914, limited the maximum duties on articles, other than tobacco and spirits, imported from British Dominions and Protectorates, to the duties existing in 1898. In lieu thereof it fixes maximum duties for certain articles produced or manufactured in Great Britain, Northern Ireland or any other British Dominion or Protectorate in which any reciprocal equivalent rebate is allowed on articles from Southern Rhodesia.

Game.—Act No. 6 prohibits the hunting of game or fish in native reserves without the permission of the Native Commissioner of the district. This does not interfere with natives lawfully residing in a reserve.

Income-tax.—The chief provisions in Act No. 27 is that reducing the abatements allowed. Married persons have been reduced from £1,000 to £800 and others from £500 to £360.

Liquor.—Act No. 30 makes certain amendments to the Act of 1930, the most important being the modification in favour of *bona fide* travellers who have lodged the preceding night at some place at least twenty miles distant. They may be served on any day and at any time.

Further, the law is relaxed as regards sale of liquor on Sundays and Good Fridays by holders of country retail licences.

Hours are fixed for the sale, 11 a.m. to 1 p.m. and 4 p.m. to 7 p.m., and such sale may not be in a bar, but at certain authorized places. This relaxation is not allowed where the licensed premises are in or within five miles of an area under a village management board.

Native Affairs.—In the short amending Act No. 8 there are two interesting features. The duties of chiefs have been extended to require them to give notice to the Native Commissioner of the death of a twin infant. This aims at the old custom of putting such children to death soon after birth. Births of children of native women by European fathers, the parents being unmarried, must now be reported.

Roads.—Act No. 7 recognizes the use of grid-iron tracks instead of gates by indemnifying the person constructing against liability for damage caused by the use of such tracks, provided that the tracks are constructed according to an approved design.

1932.

[*Contributed by* R. J. Morton, Esq., M.C., B.A., LL.B., *Acting Solicitor-General.*]

The Acts passed in 1932 during the fifth session of the second Parliament numbered thirty. Of these four were Appropriation Acts and sixteen made minor amendments to the existing law; the following were of more general interest:

Coinage.—The silver currency of the Union of South Africa has been in general circulation in the Colony. In 1931 the Colony abandoned the gold standard to which the Union still adhered; as a result and in spite of the prohibition of the export of silver, smuggling of silver coin over the border became very profitable, and the amount of coin in circulation shrank so rapidly as seriously to interfere with business. No. 24 therefore gives the Governor power to issue of Southern Rhodesia coins in gold, silver, bronze or nickel of the usual denominations; if these are not made legal tender in the Union of South Africa the outflow of silver will be prevented. Both British and Union coins continue to be legal tender within the Colony.

Crown Liability.—The Crown Liabilities Act of Cape Colony was never applied to Southern Rhodesia; consequently the common law still prevailed. No. 7 provides that claims against the Crown shall be cognizable by any competent court, whether those claims have arisen out of any contract lawfully entered into on behalf of the Crown or out of any wrong committed by any servant of the Crown acting in his capacity and within the scope of his authority as such servant. Proceedings are to be taken against the Minister of the department concerned as nominal defendant or respondent. No execution or attachment can be issued against Crown property, but any sum of money awarded to a plaintiff or petitioner may be paid out of the Consolidated Revenue Fund.

Entertainments Control and Censorship.—No. 6 has a wide scope. The first chapter provides on usual lines for the inspection and licensing of all places of entertainment in order to ensure safety from fire; any municipal area in which the local authority enforces adequate supervision may be exempted from the provisions of this chapter. The second chapter deals specifically with the censorship of cinematograph films and film advertisements. A Board of Censors is set up, whose duty it is to examine all films and film advertisements which it is proposed to exhibit in the Colony; it has power to approve or reject any film unconditionally or to grant its approval subject to the excision of any objectionable matter. The Board also has power to exempt from examination any film which has already been approved for exhibition by a Board of Censors in any portion of the British Empire. The third chapter deals with public entertainments in general and pictures, which for the purposes of the Act include paintings, drawings, engravings and photographs. The Minister to whom the administration of the Act is assigned may by order prohibit the publication of any picture or the giving of any public entertainment pending reference to the Board of Censors. The prohibition is only removed if the Board is satisfied that the picture or entertainment is not calculated to give offence to the religious convictions or feelings of any section of the public or to bring any section of the public into ridicule or contempt or is not contrary to the public interest or good morals. An appeal to the Governor lies from the decision of the Board under either chapter. The fourth chapter introduces a compulsory quota of British films for a period of six years commencing June 1, 1932; for the first year this quota is 15 per cent., and for each succeeding year is to be such proportion, not being less than 15 per cent., as the Governor shall prescribe.

Finance.—No. 17 imposes a tax of 15 per cent. of the gold premium received on all gold won from any mine in the Colony during 1932. The gold premium is defined as the difference between the current market rate and eighty-five shillings. Small-workers are relieved and the working of low-grade properties encouraged by exempting from taxation any separate mining property whose output does not exceed 300 ounces per month or which does not yield more than 2½ pennyweights of fine gold per ton of ore treated.

The annual Income-tax Act, No. 26, retains the previous minimum rate of 1*s*. on every £ of the taxable amount but increases the maximum rate from 3*s*. to 4*s*. This maximum rate is payable on taxable income of, approximately, £6,500.

No. 28 increases the entertainments tax from 12½ per cent. to 20 per cent. of gross receipts. It also amends the principal statute to allow entertainments of an educational or scientific character and those of which the proceeds are devoted to religious, philanthropic, charitable and like purposes to be exempted from tax.

Land Survey.—The existing legislation on this subject dated back to the early days of settlement and needed thorough revision. No. 12 is a comprehensive consolidating and amending measure. Chapter I deals with administration and control of survey by the Surveyor-General; one of the chief innovations is the power given to the Governor to prescribe a uniform tariff of fees for land surveyors and to provide for the official taxation of charges. Chapter II provides for the issue by the Surveyor-General of certificates entitling the holder to practise as a land surveyor and prohibits the performance by unregistered persons of any survey for the purpose of preparing any diagram or general plan to be filed or registered in the Deeds Registry. The main qualifications for admission to practise are the passing of certain professional examinations, subsequent approved training in practical survey work and the carrying out of a trial survey to the satisfaction of the Surveyor-General. If a practitioner is guilty of certain defined malpractices, application may be made to the courts to suspend or cancel his right to practise. An important new provision in s. 12 makes it compulsory on a surveyor to deposit with the Surveyor-General for permanent safe-keeping certain prescribed records, such as field-books, in connexion with every survey carried out by him; the Surveyor-General is empowered to examine these and take all the necessary steps to correct any errors. This should tend to improve the quality of surveys and ensure general uniformity.

The remaining six chapters are highly technical and are designed to secure a high standard of survey for the future and the gradual rectification of any errors which may have occurred in the past. In the early days of settlement some land titles were issued on rough "compass surveys," and the rectification of these will be gradually effected as opportunity for re-survey occurs. Points worthy of notice are that for the future beacons must be constructed of approved durable materials and that no fresh beacon can be erected nor any removed or obliterated beacon be re-erected except under the supervision of a duly admitted land surveyor.

Law Officers.—Under the Chartered Company administration the Attorney-General and the Solicitor-General were both civil servants, but since the inauguration of responsible government the post of Attorney-General has been a ministerial one. No. 5 provides for the appointment, whenever expedient, of a Minister of Justice in whom will be vested the powers of prosecution of offences throughout the Colony; these powers may be delegated to the Attorney-General or the Solicitor-General, who will then both be members of the permanent civil service.

Natives.—No. 4 authorizes native commissioners to permit a native to have in his possession one rifle or shot-gun with ten rounds of ammunition for the purpose of protecting himself and his property against wild animals. The number of permits current at any one time must not exceed ten in any one district or sub-district, of which there are forty in the whole Colony. No permit is to be valid for more than three months; this period is intended to cover the season when native crops are ripening and are most liable to the depredations of baboons and other wild animals.

Pounds and Trespasses.—No. 29 is mainly a consolidating measure, but it also brings the law into accord with the modern provisions for the prevention and suppression of animal diseases.

BRITISH EMPIRE.

VII. BRITISH INDIA.

[*Contributed by* SIR LANCELOT GRAHAM, K.C.I.E.]

During the year 1932 the number of measures passed by the Indian Legislature was twenty-five and is a slight increase on the figure of the previous year. Actually the year was one of very considerable legislative activity. Politically, it was marked by the revival of civil disobedience throughout India and the continuance in Bengal of organized terrorism. These causes produced in the first instance a further output of Ordinances, but before the close of the year measures embodying the more important provisions of the Ordinances were laid before the Legislature, with a view to their being enacted for a definite period of years. At the same time the enactment of other provisions of the Ordinances having a less universal significance was entrusted to Provincial Legislatures. In this way the burden was shared and, while provisions obviously suitable to the whole of India were included in Central legislation, other provisions having particularly a local value were dealt with by Provincial Legislatures. This distribution of legislation on the subject of criminal law was possible under the Constitution, because while "Criminal Law" is a Central subject, and primarily a matter for legislation in the Indian Legislature, it is also open to the Provincial Legislatures to pass laws regulating criminal law, subject only to the requirements of the previous sanction of the Governor-General and of his subsequent assent.

Economically, the features of the year were the Ottawa Conference, which produced a Bill to amend the Indian Tariff Act, 1894, of considerable complexity, and the consideration by Government of a series of reports of the Tariff Board, which resulted in the appropriate amendments to the Indian Tariff Act.

The status of the North-West Frontier Province having been raised from a Chief Commissionership to a Governor's Province, the Legislature of the North-West Frontier Province was duly inaugurated in the course of the year.

No occasion arose during the year for the use by the Governor-General or any of the Provincial Governors of the powers of recommendation and certification under ss. 67B and 72E respectively of the Government of India Act, but, as observed above, the revival of civil disobedience in the beginning of the year and the continuance of terrorism in Bengal necessitated the issue of a series of Ordinances numbering twelve in all.

1. ACTS OF THE INDIAN LEGISLATURE.

Criminal Law.—Act No. 8 supplements an enactment of the Bengal Legislative Council, and provides that persons interned under the Bengal Criminal Law Amendment Act, 1930, may, subject to the consent of the

Central Government, be confined in any British-Indian jail outside Bengal. Persons interned under the local Act are not convicted prisoners and consequently the provisions of the Prisoners Act, 1900, which allow a prisoner sentenced in one province being transferred to any other prison in British India, have no application.

Act No. 24 is another Act which was required to be passed in the Central Legislature, because the jurisdiction of the local Legislature was not sufficient for the purpose. This measure is enacted in the interests of persons convicted under the Bengal Suppression of Terrorist Outrages Act, 1932, and provides in certain cases an appeal to the Calcutta High Court, which it was beyond the jurisdiction of the local Legislature to provide, because the jurisdiction of the High Court cannot be either increased or reduced by the local Legislature.

An amendment (Act No. 21) of the Code of Criminal Procedure aims at effecting an improvement in criminal procedure by removing an abuse which had grown up since the amendment of the transfer provisions in 1923. The obligation to stay proceedings as soon as intimation is received of intention to apply for transfer had been gravely abused, and by this measure this obligation is restricted to the first of such intimations, and it is further provided that the party giving the intimation may be required to execute a bond that he will apply for transfer within a reasonable time to be fixed by the court.

Act No. 23 codifies such portions of certain of the Ordinances of 1931 and 1932 as appeared suitable for enactment as All-India legislation for the purpose of dealing with movements aimed at paralysing the administration. S. 2 is directed against the boycotting of recruitment to the Military, Naval, Air and Police Services. S. 3 is directed against tampering with the loyalty of government servants, while s. 4 seeks to protect them against boycott in their private lives. The reproduction of passages from forfeited newspapers and books and the malicious spreading of false rumours are penalized by ss. 5 and 6. S. 7 deals effectively with the vexatious offence of picketing. S. 8 makes parents and guardians liable to pay fines imposed on young persons below the age of 16. With the exception of the offence of boycotting a public servant, the new offences created by these sections are made cognizable by the police, which means that the police can arrest without warrant. As regards the offence of boycotting, it is provided that a warrant shall ordinarily issue in the first place, instead of a summons. With the same end in view, s. 10 authorizes local governments to declare certain classes of offences which under the ordinary law are non-cognizable and bailable to be cognizable, and in certain cases non-bailable. Among these is the offence of disobedience to an order duly promulgated by a public servant. S. 13 adds new sections to the Indian Criminal Law Amendment Act, 1908, giving power to notify and take possession of places used for the purposes of an unlawful association and further to take possession of moveable property found therein, with the consequence that entry into or remaining on such premises after they have been notified constitutes the offence of criminal trespass. Another important addition to the Criminal Law Amendment Act, 1908, effected by the same section is the giving of power to the local governments to forfeit the funds of unlawful associations. The procedure laid down is devised to prevent abuse of this power, recourse being permitted to the court of the district magistrate to prohibit the issue of an order of forfeiture where the applicant satisfies the court that the moneys in respect of which the order is proposed to be made are not in fact being used for the purposes of an unlawful association. S. 16 extends the circumstances in which under s. 4 of the Indian Press (Emergency Powers) Act, 1931, security demanded in respect of printing presses may be forfeited so as to include the publication of matter having certain tendencies, such as the seducing from their loyalty of members of government services including the police, the bringing of the Administration into hatred or contempt, blackmailing, preaching non-payment of taxes, and other kindred wrecking activities. Lastly ss. 18, 19 and 20 provide that action already completed or begun under the Special Powers Ordinance, 1932, or the Indian Press (Emergency Powers) Act, 1931, is to continue in effect as if taken under this Act or to be completed under this Act as if begun under it. This provision also allows of the completion of certain trials pending under the Special Powers Ordinance. The duration of this Act, which was passed by the Legislature without resort to the extraordinary powers of the Governor-General, is three years.

Civil Law.—Act No. 9 is the Indian Partnership Act, and contains the largely expanded law on the subject. The Bill was prepared under the instructions of a Special Committee which sat under the chairmanship of the Law Member and included Sir Dinshah Mulla, who has since been appointed to be of His Majesty's Privy Council. Writing of this Bill the Special Committee said: "The present Bill is the second of the series foreshadowed by the Special Committee (this was the Committee which produced the Bill which became the Sale of Goods Act, 1930) and like its predecessor it is based on the corresponding English Act, in this case the Partnership Act, 1890 (53 & 54 Vict., c. 39)." The law relating to partnership is at present contained in c. 11 of the Indian Contract Act, 1872, which was based on the rules included in the Report of the Indian Law Commission presided over by Lord Romilly, in 1866. These rules were based on English precedents. The main object then in view was, in the words of Sir James Stephen, who piloted the Indian Contract Bill through the Council, "that of providing a body of law to the Government of the country so expressed that it might be readily understood both by English and Indian Government servants without extrinsic help from the English law libraries." With that object in view, the Select Committee on the Indian Contract Bill in its Report dated February 22, 1870, said that many important matters relating to partnership were left unnoticed in c. 11. In addition to these omissions the development of trade in India showed further matters in which legislation is now required. In the absence of clear and definite rules on these points, Indian courts have held that c. 11 of the Indian Contract Act is not exhaustive, and have relied on analogies drawn from English law. In regard to partnership, the position is much the same as that in regard to the sale of goods, and the remarks of the Special Committee on the Sale of Goods Bill in para. 6 of their Report may be repeated with cogency: "Whatever merit the simple and elementary rules embodied in the Indian Contract Act may have had and however sufficient and suitable they may have been for the needs which they were intended to meet in 1872, the passage of time has revealed defects the removal of which has become necessary in order to keep the law abreast of the developments of modern business relations." In the main then the Act follows the English law with only such modifications as are necessary for its adaptation to special conditions in India. Apart from the preliminary chapter and the chapter on "The

Nature of Partnership" the Act has three chapters which deal with the working firm, namely, c. 3, "Relations of partners to one another," c. 4, "Relations of partners to third parties," c. 5, "Incoming and outgoing partners," and one chapter relating to the extinction of a firm, namely c. 6, "Dissolution of a firm." To these there has been added a chapter providing for the registration of firms which is expected to effect a great improvement in the commercial life of the country. Registration is not made compulsory, but certain advantages will attach to firms which register, and it is expected that these advantages will be sufficient inducement to procure general registration. The main of these is provided in s. 69 to the effect that no suit to enforce a right arising from a contract or a right conferred by the Act shall be instituted in any court by or on behalf of any person suing as a partner in a firm against the firm or any person alleged to be or to have been a partner in the firm, unless the firm is registered, and the person suing is or has been shown in the register of firms as a partner in the firm. Again, it is provided in the same section that no suit to enforce a right arising from a contract shall be instituted in any court by or on behalf of a firm against any third party, unless the firm is registered and the persons suing are or have been shown in the register of firms as partners in the firm. The coming into operation of this section was delayed for a year by the commencement section of the Act.

Public Suits.—Act No. 11, of which the short title is the Public Suits Validation Act, 1932, was enacted to validate pending suits of a certain class, and also to allow of the retrial of suits of the same class already dismissed in accordance with an unexpected decision of the Privy Council, which required that in provinces of British India where there is no Advocate-General the previous sanction of the local government, necessary before the filing of suits relating to public nuisances and public charities, must be recorded separately in respect of every suit directed to be filed by the officer appointed in this behalf. The practice which was held not to comply with the requirements of s. 93 of the Code of Civil Procedure had been for many years for the local government to issue a general authorization to the local officials selected for the purpose of exercising the power conferred on the Advocate-General by ss. 91 and 92 of the Code.

Protection of Industry.—Act No. 3 renews for a further period of one year, that is to say, up to March 31, 1933, the existing duties on wheat and wheat flour, while retaining power to reduce or remove them before that date should they be found to be more than was necessary or altogether unnecessary for the protection of home-grown wheat.

The Wire and Wire Nail Industry (Protection) Act, No. 5, is another measure enacted in pursuance of the policy of discriminating protection of industries in India. By amendments in the Schedule to the Indian Tariff Act, 1894, protection is given for a period extending to March 31, 1934, to the wire and wire nail industry.

Act No. 6 continues for a further period of seven years the protection first given to the bamboo paper industry by the Bamboo Paper Industry (Protection) Act, 1925.

Act No. 7 continues for a further period of one year the temporary additional duty of customs on the import of foreign salt originally imposed in the interests of the Indian salt industry in 1931.

The purpose of Act No. 13 is to provide for the fostering and development of the sugar industry in British India, and it sets out to do so by making amendments in the Imports Schedule to the Indian Tariff Act, 1894, which are to have effect for a period of five years. S. 3 provides for the setting up before the expiry of that period of a committee to report the extent, if any, to which it is necessary to continue the protection.

The purpose of Act No. 25 is to implement the trade agreements made at the Imperial Economic Conference. This is effected by a series of amendments to the Second Schedule to the Indian Tariff Act, 1894.

Protection of Labour.—Act No. 2, enacted on the recommendation of the Royal Commission on Labour, repeals the Employers and Workmen (Disputes) Act, 1860, which was an Act to provide for the speedy determination of disputes relating to wages in the case of workers on the construction of railways, canals and other public works. The Act had fallen into desuetude, but the reason for repealing it was that it embraced the discredited principle of punishing breach of contract as a criminal offence.

Act No. 22 is an Act to amend the law relating to emigrant labourers in the tea districts of Assam. Hitherto the subject had been dealt with by the Assam Labour and Emigration Act, 1901, but conditions in the Assam tea gardens have altered so extensively that in the opinion of the Royal Commission on Labour a new law was necessary. The new measure follows the scheme prepared by the Royal Commission. C. 2 lays down the general right of every "emigrant labourer," who is defined earlier as a person who has last entered Assam as an assisted emigrant and is employed on a tea estate, to be repatriated on the expiry of three years from the date of his entry into Assam. Where the employer fails to place his labourer in a position to exercise his right of repatriation by making all necessary arrangements for his journey, he becomes liable to pay to the labourer a fine of one rupee for each day on which he is in default (s. 13). If he continues in default there is power given to the Controller of Emigrant Labour, an officer appointed by the Governor-General in Council, to repatriate the labourer and recover the cost from his employer by summary process. C. 3 establishes special conditions in controlled emigration areas which are notified by the local government. These special conditions include the grant of licences liable to cancellation for misconduct to local forwarding agents of labourers, the collecting of assisted labourers at depots maintained by such agents and regularly inspected by public officials and the forwarding of such labourers in accordance with the conditions laid down by rule in charge of a competent person deputed by the local forwarding agent. C. 4 gives power to declare any part of the controlled recruiting area to be a restricted recruiting area, and to such areas special conditions are applied. Recruiters are required to obtain licences and their licences are liable to be cancelled by the district magistrate on the ground of misconduct, wilful neglect and default (s. 29). Persons in direct employment of tea estates may be authorized by their employers by certificate to recruit labour without a licence. This class of persons is described as "garden-sardars," and they too are liable to have their certificates cancelled by the district magistrate. C. 5 provides, among other things, that no person shall assist a child to proceed for labour on a tea estate in Assam, unless such child is accompanied by a parent or other adult relative on whom he is dependent. Labourers with their families falling sick on the journey may be detained and cared for and, if necessary, sent home again under the orders of the controller and at the expense of the prospective employer (s. 33). There is extensive rule-making power vested in the Governor-General in Council (s. 37). Lastly, there is a saving for acts done in good faith under the Act (s. 39) and the civil courts are barred from dealing with or deciding any question which the controller is empowered to deal with by the Act and, further, from enforcing any liability incurred under the Act.

Public Services.—The Indian Air Force Act, No. 14, was enacted to provide for the discipline of the officers and men of the Indian Air Force, which was to be brought into existence in the summer of 1933. The Act is a self-contained measure and for its materials draws on the Indian Army Act, 1911, and the British Air Force Act. The Act is divided into eleven chapters, of which c. 2 deals with enrolment, attestation, dismissal, discharge and reduction, c. 3 deals with punishments and penal detentions, c. 4 deals with service offences, cc. 5, 6, 7 and 8 deal with the constitution, jurisdiction, powers and procedure of courts martial, and with the confirmation, revision, pardon and remission of sentences.

Foreign Relations.—Act No. 12, the purpose of which is to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of certain foreign States, is derived from the English Common Law which punishes libels on the Rulers of foreign States on the ground that such libels imperil the peaceful relations of His Majesty with foreign States. S. 2 makes punishable the defaming of a Ruler of a State outside but adjoining India, (which expression brings in the neighbours of India beyond her frontiers, but excludes the Indian Princes), and the members of the family or the Ministers of such Ruler with the intent to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of the State concerned or in such a way that the maintenance of such relations is likely to be prejudiced.

Pilgrims to the Hedjaz.—Act No. 20, enacted in the interests of Muslim pilgrims to the Hedjaz, gives effect to the recommendations of a Standing Committee of the Indian Legislature known as the Haj Committee. It converts into statutory bodies the Haj Committees already existing under executive orders at the ports of Bombay, Karachi and Calcutta, revises their constitutions, widens their powers and functions and provides sources of revenue.

Archæology.—The Ancient Monuments Preservation Act, 1904, is amended by Act No. 18 for certain purposes, including the offering of facilities, subject to suitable control maintained by the grant of licences, to outside scientific agencies and expeditions to embark on the excavation of India's sites of historic and prehistoric interest.

Broadcasting.—Act No. 15 amends the Indian Tariff Act, 1894, by increasing the import duties leviable on wireless reception apparatus with the object of providing funds to enable Government to continue wireless broadcasting in India.

2. MADRAS.

Of the nine measures passed by the Madras Legislative Council, seven made relatively unimportant amendments in existing enactments.

Co-operative Societies.—The Madras Co-operative Societies Act, No. 6, repeals for the Madras Presidency and re-enacts with suitable amendments the Co-operative Societies Act, 1912, an Act of the Governor-General in Council, that is to say, of the Central Legislature as constituted before the passing of the Government of India Act, 1919. The Preamble is of interest as showing the power conferred on the Local Legislatures by the last named Act to amend Central Legislation: "Whereas it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, and self-help among agriculturists, artisans and persons of limited means, and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Madras; and whereas the previous sanction of the Governor-General has been obtained to the passing of this Act . . . . ;"

Cotton Control. The Madras Cotton Control Act, No. 7, is aimed at preventing the dilution of the best cotton with cotton of inferior quality. The Act allows of drastic action prohibiting and penalizing the growing of inferior kinds of cotton and uprooting it if grown in notified areas.

3. BOMBAY.

Of the sixteen measures passed by the Bombay Legislative Council as many as twelve were minor amending Acts and only four were measures of substance.

Civil Disobedience. Of these the Bombay Special (Emergency) Powers Act, No. 16, placed on the Statute Book for a period of three years certain provisions previously contained in Ordinances of the Governor-General which had been found effective in dealing with the Civil Disobedience Movement.

Weights and Measures. The Bombay Weights and Measures Act, No. 15, defines certain standard weights and measures and provides that only those weights and measures may be used in the area to which the Act is applied.

Cotton Contracts. The Bombay Cotton Contracts Act, No. 4, re-enacts with amendments the Act of 1922, which expired in the course of the year.

4. BENGAL.

No less than twenty-four enactments were passed by the Bengal Legislative Council as compared with eight in 1931 and seven in 1930. Of this total six dealt with revolutionary crime, seven with local self-government, two with the preservation of the fauna of Bengal, and two with the taxation of motor vehicles.

Revolutionary Crime.—Of the six enactments aimed at the suppression of revolutionary crime, three (Nos. 12, 19 and 22) were passed to take the place of Ordinances of the Governor-General expiring in the course of the year, one (No. 21) was passed to strengthen the law restricting the possession of arms and explosives, and two (Nos. 4 and 11) were passed to amend the existing legislation.

Municipal.—The Bengal Municipal Act, No. 15, is a comprehensive measure repealing and re-enacting with extensive amendments, the purpose of which is to bring it into line with the requirements of the present day, the Bengal Municipal Act, 1884.

5. UNITED PROVINCES.

Fifteen measures (a number considerably in excess of the average) were passed in the course of 1932 by the United Provinces Legislative Council. Of these ten effected what may be described as current amendments in existing legislation.

Goondas.—The United Provinces Goondas Act, No. 1, was described on introduction as " a Bill to provide for the control of certain Goondas." The word " Goonda " was first introduced into the draftsman's lexicon by the Bengal Legislative Council in 1923. The definition in the present Act follows the definition in the Bengal Act and runs as follows: " ' Goonda ' includes a hooligan or other rough." The introduction of the measure in the United Provinces was recommended by a Commission which inquired into the terrible communal riots which had occurred in the previous year at Cawnpore. The Act provides for the deportation, in some cases only from the Cawnpore district and in others from the province as a whole, of any person found on inquiry conducted by the executive and confirmed by two advising judges sitting *in camera* to be " a Goonda or a member of a gang or body of Goondas and to be residing within or habitually visiting or frequenting Cawnpore " and to be a person of violently criminal habits.

Revenue.—The United Provinces Stamp (Amendment) Act, No. 4, and the United Provinces Court-Fees (Amendment) Act, No. 3, are revenue-producing measures which amend Acts of the Central Legislature, the receipts under these Acts being provincial.

Tenants' Assistance.—Provision in the nature of temporary relief for tenants suffering from the abnormal fall in prices of agricultural produce was made by the United Provinces Assistance of Tenants Act, No. 8.

Special Powers.—The United Provinces Special Powers Act, No. 14, places on the statute book a measure designed to provide against and to take powers to deal with the instigation to the illegal refusal of the payment of certain liabilities or any concerted movement prejudicial to the public peace. The provisions of this measure which are intended to provide against any recurrence of the civil disobedience movement are founded on the Special Powers Ordinance which expired in the course of the year.

6. PUNJAB.

Four measures were passed by the Punjab Legislative Council.

Nurses' Registration.—The Punjab Nurses' Registration Act, No. 1, is in the main based on the law in force in the United Kingdom, and sets up an administrative body, to be known as the Punjab Nurses, Health Visitors and Midwives Council, which is charged with the maintenance of a register.

Public Service.—The Punjab Services Commission Act, No. 2, sets up a Public Services Commission to perform certain duties in respect of the Public Services in the Punjab. These duties include the conduct of recruitment by competitive examination and selection and also by promotion from subordinate services and the tendering of advice to Government in the exercise of its disciplinary powers.

Criminal Law.—The Punjab Criminal Law (Amendment) Act, No. 3, enacts those parts of the Special Powers Ordinance, 1932, which were not put on the statute book by the Indian Legislature, and were specially suited to the local requirements of the Province.

7. BURMA.

Nine measures were passed by the Burma Legislative Council.

Matches Excise.—The Burma (Excise) Duty on Matches Act, No. 1, was an attempt to tap a fresh source of revenue. It imposes a duty on all matches manufactured in Burma and on all matches imported into Burma.

Stamps.—In the Indian Stamp (Burma Amendment) Act, No. 2, the pursuit of additional revenue was continued and Burma followed the example set by the other Indian provinces of amending the rates of duties set out in the Indian Stamp Act, 1899.

8. BIHAR AND ORISSA.

Three measures were passed by the Bihar and Orissa Legislative Council, of which the principal one was an Act to amend the Patna University Act.

9. ASSAM.

Six measures were passed by the Assam Legislative Council.

Food Adulteration.—The Assam Pure Food Act, No. 4, is a comprehensive measure designed to prevent the adulteration of articles of food and drink and in the main takes for its model the legislation already in force in other provinces.

10. CENTRAL PROVINCES.

Nine measures, none of which calls for any description, were passed by the Central Provinces Legislative Council.

11. COORG.

Two measures, neither of which calls for any description, were passed by the Coorg Legislative Council.

12. NORTH-WEST FRONTIER PROVINCE.

Three measures were passed by the newly constituted North-West Frontier Province Legislative Council.

General Clauses.—A General Clauses Act, No. 2, was enacted for "shortening the language used in the North-West Frontier Province Acts and for other purposes." This in the main follows the General Clauses Act, 1897, which extends to the interpretation of enactments of the Central Legislature only.

Public Tranquillity.—The North-West Frontier Province Public Tranquillity (Additional Powers) Act, No. 3, was enacted to enable the Government to deal with the disorders and general turbulence easily excited in that Province in pursuance of the civil disobedience movement. The provisions are for the most part taken from the Special Powers Ordinance which expired in the course of the year.

13. ORDINANCES UNDER S. 72 OF THE GOVERNMENT OF INDIA ACT.

The year, like its immediate predecessor, was conspicuous for the number (twelve) of Ordinances made by the Governor-General. Nine of these were made for the purpose of coping with the revival of the civil disobedience movement and two in order to confer on the Government of Bengal special powers for dealing with terrorism.

Emergency Powers.—Ordinance No. 2, the Emergency Powers Ordinance, brought into operation on January 4, 1932, what may be described as the Emergency Code, for the most part made up of provisions the efficacy of which had been tested in 1931 and 1930. C. 2 gives power to detain for a maximum period of two months persons already acting or preparing to act in a manner prejudicial to the public safety or peace. Any such persons, whether arrested or not, may be served with orders regulating their movements and conduct, and disobedience to these orders is punishable with imprisonment which may extend to two years or with fine or with both. Additional powers conferred were powers to take possession of buildings as quarters for officers, to prohibit or limit access to certain places, to prohibit or regulate traffic, to control supplies of commodities of general use, to take possession of moveables, to regulate means of transport, to interfere with the traffic in arms, ammunition and explosive substances and to take possession thereof, to employ additional police, to require the assistance of landholders and others, to control public utility services, to control posts and telegraphs, to regulate the use of railways and vessels, to secure reports of public meetings, to issue search-warrants in respect of offences committed under the Ordinance or generally against the public peace and to give effect to orders made under the Ordinance if disobeyed. C. 3 provides penalties for offences created under c. 2 and also penalizes tampering with public servants, dissuasion from enlistment in the army and police services and dissemination of false rumours. Power is also given to impose collective fines on the inhabitants of turbulent areas. Parents and guardians are made responsible for the behaviour of young persons under the age of 16 by being made liable to pay fines imposed upon the young persons in their charge. A provision is made that no such order shall be made unless the parent or guardian has had an opportunity to appear before the court and be heard. Special courts are set up under c. 4, magistrates being given powers in excess of those conferred by the Code of Criminal Procedure and judges being authorized to hear cases direct without the intervention of committal proceedings. Summary courts are also set up for dealing with certain offences and are empowered to pass any sentence which may be passed by a magistrate of the first class under the Code of Criminal Procedure. It is provided that no court constituted under the Ordinance shall try any offence unless it is an offence punishable under the Ordinance or committed in furtherance of a movement prejudicial to the public safety or peace. The local government is the ultimate authority as to whether a matter is within the jurisdiction of a court set up under the Ordinance. An arbitration tribunal is set up for dealing with claims for compensation for loss or damage which has occurred by reason of action taken by Government under certain provisions of the Ordinance. Proceedings and orders purporting to be taken or made under the Ordinance cannot be called in question by any court except as provided in the Ordinance itself, and no civil or criminal proceeding may be instituted against any person for anything done or in good faith intended to be done under the Ordinance. A number of offences under the existing law are made cognizable (arrest without warrant) and non-bailable. Finally, additions are made temporarily for the life of the Ordinance in the Indian Press (Emergency Powers) Act, 1931.

Civil Disobedience.—Ordinance No. 3 is directed against the organizers of the no-rent campaign and creates an offence punishable with imprisonment which may extend to six months or with fine or with both.

Unlawful Associations.—Ordinance No. 4 makes further provision against associations dangerous to the public peace by giving powers to notify and take possession for the life of the Ordinance (six months) of places used for the purpose of unlawful associations and of moveable property found therein and to forfeit the funds of unlawful associations.

Molestation and Boycotting.—Ordinances Nos. 5 and 7 provide against certain forms of molestation and boycotting, including the peculiarly mischievous practice of the celebration of mock funeral ceremonies of persons obnoxious to the organizers of the civil disobedience movement.

These Ordinances were all issued in the first half of the year, and were due to expire early in the second half of the year. In their place a fresh Code embodying all the provisions hitherto found effective was promulgated at the end of June under the title of the Special Powers Ordinance (Ordinance No. 10). As an Emergency Code this Ordinance repays study, but to summarize it would involve much repetition.

Terrorist Movement.—Ordinances Nos. 9 and 11 were directed against the terrorist movement in Bengal.

14. REGULATIONS UNDER S. 71 OF THE GOVERNMENT OF INDIA ACT.

Aden Laws Regulation.—Two Regulations amending the law in Ajmer call for no remark, but some interest is provided by the Aden Laws Regulation, 1932, which is a Regulation to provide for the application of the law in force in the Province of Aden and for the extension of other enactments thereto. In the year under review by notification under s. 59 of the Government of India Act Aden was taken out of the Bombay Presidency and constituted a Chief Commissionership to be administered directly by a Chief Commissioner under the Government of India.

VIII. EASTERN COLONIES.

1. CEYLON.

1930.

[*Contributed by* P. C. VILLAVA-RAYAN, ESQ., M.A., *Assistant Legal Draftsman.*]

Ordinances passed—32.

Betting.—The object of Ordinance No. 9 is twofold: (1) to authorize the levy of a tax on taxable bets, which are defined as bets on a horse-race made by an individual on his own behalf at a totalizator on the registered race-course on which and on the day on which the race is run; and (2) to prevent betting of any other kind on horse-races.

The Ordinance seeks to achieve the first object by providing for the registration of race-courses and making it compulsory to furnish information of all proposals to work totalizators. The tax to be paid is 3½ per cent. on all taxable bets or such other rate as this legislature may from time to time authorize by resolution. In order to achieve the second object taxable bets are exempted from the provisions of the Gaming Ordinance No. 17 of 1889, the exemption given by that Ordinance in the matter of bets on horse-races to clubs, rest-houses and hotels is removed, and the receipt or negotiation of any bet other than a taxable bet on any horse-race is prohibited.

Bills of Exchange.—The amending Ordinance No. 30 introduces into the Bills of Exchange Ordinances, 1927, the provisions of the Noting Act, 1917, which were overlooked when the principal Ordinance, based on the Bills of Exchange Act, 1882, was prepared.

Civil Procedure.—No. 15 is another amending Ordinance which substitutes a new section in the Civil Procedure Code, 1889, in terms wide enough to enable the judge of an original court, after notice to the parties interested, to make all formal amendments in judgments, orders and decrees, which owing to the restricted scope of the old s. 189 had formerly to be brought up before the Supreme Court for rectification.

Stamp Duty.—Although the Stamp Ordinance, 1909, contemplates the use of both adhesive and impressed stamps, the rules made under it rendered only the use of adhesive stamps compulsory. The amending Ordinance No. 18 authorizes and validates the use of impressed stamps, with the object of making them gradually supersede adhesive stamps and so eliminating the possibility of such frauds as the use of "cleaned" stamps. The opportunity has also been taken to introduce some new provisions into the principal Ordinances in order to make clearer the question of the liability for stamp duty due on documents executed outside Ceylon, and to give the Commissioners of Stamps facilities for recovering stamp duty from any person who has misapplied money received by him for the purchase of the stamp necessary for an instrument, or has affixed a "cleaned" stamp on an instrument.

Protection of Young Women.—The Vagrants Amendment Ordinance, No. 3, is so called only because it introduces some new sections into the old Ordinance of 1841 relating to Vagrants. Its purpose is to give greater protection to girls under 16 years of age. The provisions, which are based on the Children Act of 1908, make it an offence for those having the care or custody of girls under 16 to cause or encourage their seduction or prostitution, enables magistrates to order security from parents or guardians who knowingly permit such girls to be exposed to the risk of seduction or prostitution, and provides for the detention, maintenance and control of such girls in places of safety when offences under the Ordinance are being inquired into or have been proved.

Rubber Research.—The Rubber Research Ordinance, No. 10, incorporates a Rubber Research Board, authorizes it to establish experimental stations, laboratories and factories and, in order to provide an income for it, imposes a small duty on all rubber exported from the Island.

1931.

[*Contributed by* C. C. A. BRITO-MUTUNAYAGAM, ESQ., B.C.L., M.A., *Assistant Legal Draftsman.*]

Ordinances passed—30 ; Public—28 ; Private—2.

The flow of legislation during 1931 was to some extent interfered with by the change in the Constitution introduced by His Majesty's Orders in Council entitled the Ceylon (State Council Elections) Order in Council, 1931, and the consequent dissolution and re-election of the legislature. With the exception of the Ordinances to which special reference is made below the legislation was in character either financial or private or it effected amendments on minor matters.

Buddhist Temporalities.—Prior to the enactment of Ordinance No. 3 of 1889, the management of Buddhist temporalities was in the hands of the incumbent priests of the temples. As during the period of their management temple properties were frequently mismanaged and dissipated, Ordinance No. 3 of 1889 removed the management from the hands of the priests and gave it over to lay trustees who were elected by the District Committees constituted under that Ordinance. Ordinance No. 8 of 1905 retained the management in the hands of the trustees, but provided that they should be elected by a majority of voters resident in the villages to which the temples were attached. But the management by trustees was as unsatisfactory as the management by priests. No. 19 enables the *viharadhipathi* to nominate himself or any *bhikshu* or layman as a trustee. In case of failure of the *viharadhipathi* to nominate a trustee, the Public Trustee shall, pending a legal nomination, make any arrangement he thinks necessary for the safe management of the temple property, and, if he thinks fit, provisionally appoint as trustee any person duly qualified. The Ordinance No. 3 of 1889 and the subsequent Ordinance provided that the supervision and control of trustees should be by District Committees constituted under those Ordinances. No. 19 has constituted the Public Trustee the sole supervising authority of the trustees. The *Diyawadana Nilame* and the *Basnayaka Nilames* continue to be elected under the provisions of this Ordinance. But, except in the case of the present holders of these offices who will hold office for life, provision is made limiting their term of office to ten years. S. 3 extends the operation of this Ordinance to all temples in the Island. S. 4 deals with the management of temple properties. S. 5 provides for an Advisory Board to assist the Public Trustee, and its constitution and quorum are set out in s. 6. The other sections are concerned with the details of electing trustees and the management of temple property.

Crown Land.—No. 20 (*a*) implements some of the recommendations contained in the Final Report of the Land Commission of 1929, and (*b*) introduces into the law relating to land settlement a number of amendments, mainly of a minor nature, which thirty years' experience of the working of Ordinance No. 1 of 1897 and of the Ordinances amending it have shown to be necessary for the equitable administration of that law. As the changes made are both numerous and of considerable importance, it was considered desirable to present them in the form of an amending and consolidating Ordinance rather than as further amendments of Ordinance No. 1 of 1897. S. 5 introduces the fundamental conception of settlement as a process in two steps, (1) the making of the settlement proper, by means of a declaration in writing or by the execution of an agreement, and (2) the legal validation of the settlement by means of a "settlement order" published in the *Gazette*. S. 6 implements the recommendation that the settlement officer be so empowered and required by law to make equitable settlements. S. 13 introduces an important innovation into the law relating to land settlement. Under Ordinance No. 1 of 1897, the reference case is an action to which, as in a partition action under Ordinance No. 10 of 1863, all persons interested in the land which is the subject of the action must be made parties. The object of settlement being the ascertainment of the rights of the Crown as against the claimant rather than the ascertainment of the rights of private individuals *inter se*, it is considered that the present statutory procedure is unnecessarily unwieldy, and that it does not confer either upon the Crown or upon the claimant any benefit commensurate with the expenditure involved. This Ordinance makes every reference case a simple action by the claimant against the Crown for declaration of title.

Where it is doubtful as to whether a piece of land is the property of the Crown or of private individuals, No. 20, superseding the Waste Lands Ordinance No. 1 of 1897, constitutes a " Board " which can review the decision of the administrative officer who decided the question. No. 21 provides for a similar review even where the land is undoubtedly the property of the Crown and the private individual claiming it is no more than an encroacher.

Under Ordinance No. 12 of 1840 all forest, waste, unoccupied or uncultivated lands were presumed to belong to the Crown, unless they could be proved to be private property in one of the manners specified in s. 6 of that Ordinance. No. 22 provides easier methods of proving that the land was private property, one such method being proof of uninterrupted possession for not less than thirty years.

S. 4 of the Forest Ordinance, 1907, provides, *inter alia*, that a decision on any question of title in a case under that Ordinance shall not be received or pleaded in any civil suit or proceeding in which the title to the land is in issue. No. 23 (s. 2) shuts out such decisions from proceedings under No. 20, because such proceedings also affect title. By reason of the repeal of the Waste Lands Ordinances 1897 to 1903, property declared to be the property of the Crown could no longer be declared " reserved forests." As such declarations are often necessary, s. 3 of No. 23 makes the required provision for them. The new s. 23A introduced by s. 5 of No. 23 is designed to protect from conviction those who are prosecuted for clearing and planting Crown land (*chena*). The prosecution will have to prove in every such case that the trees cut and cleared were more than twenty years old ; and even then the accused may go unpunished if he can establish that he claims the land on a *bona fide* right.

Explosives.—No. 18 makes every sub-inspector of police an inspector of explosives and relieves the Colonial Secretary from the duty of himself signing licences under s. 15 of the main Ordinance. It besides re-enacts the substance of s. 25, separating the provisions dealing with exposure for sale from those concerned with the sale of explosives, so that the amount of explosives exposed may be limited to quantities that are not capable of being used to endanger seriously the public peace.

Fire Brigade.—The " maintenance of a fire brigade and the protection of life and property from fire " is a matter for which the Municipal Councils Ordinance, 1910, permits the expenditure of municipal funds, and in pursuance of this power municipalities have provided the men and machinery necessary for this purpose. S. 3 of No. 14 introduces a new section providing the officer in charge of the fire brigade with the powers essential for the effective protection of life and property from fire, and absolving the council, its chairman, and its fire officers and those working under their command from all legal liability for any damage that they may cause in such endeavour. S. 2 authorizes municipalities to prescribe the conditions on which the services of their fire brigade may be obtained and to charge fees for such services.

Industrial Disputes (Conciliation).—No. 3, which is partially based on the Industrial Courts Act, 1919, has as its main object the prevention and settlement of industrial disputes. The Governor may appoint commissions consisting of one or more persons to inquire into, and to report on, any matters relating to industry (including trade and agriculture) which may be referred to them (s. 3 (1)). The constitution, procedure and powers of commissions are regulated by ss. 3 (2), (3) and 11. The Controller of Labour may appoint conciliation boards consisting of one or more persons, and the procedure and powers of such boards are regulated by ss. 4 and 11. The Controller may by s. 5 (*c*) refer any existing or apprehended industrial dispute to a board for it to endeavour to effect a settlement, whether the parties consent or not. Where agreements between organizations of employers and of workmen for the settlement of industrial disputes exist, the Controller shall not refer the matter for settlement except with the consent of parties or unless existing arrangements fail to settle a dispute. The Controller may also take steps for the amicable settlement of an industrial dispute without reference to a board, and may make inquiries whether a reference to a board is likely to lead to a settlement (s. 5 (*a*) and (*b*)). A settlement reported or recommended will be published by the Controller in the *Gazette* and in the press, with a notice requiring the parties or their representatives to state within fourteen days whether they accept or reject it. After the fourteen days have expired, the Controller will publish the acceptance or rejection, and a settlement accepted by both parties is binding until either party or its representatives repudiate it by notice sent to the Controller.

Interpretation.—As the change in the Constitution led to the alteration in the names and functions of some of the principal officers of the government and the legislature, Nos. 8 and 9 make the necessary provision for the proper interpretation of references to them in the existing law.

Moslem Intestate Succession and Gifts.—No. 10 deals with Moslem testate and intestate succession law and the law concerning donations affecting Moslems. As regards donations, the ordinary law applicable in the Island is made applicable to Moslem donations, except in the case of pure donations. There has been a great deal of doubt in Ceylon as to whether the delivery of the deed of gift to the donee is sufficient evidence of the delivery of the property donated. This rule has been declared by s. 3 of the Ordinance to be applicable to Moslems. C. 2 of the Ordinance deals with charitable trusts. Greater power of control over the trust property is given to persons interested in such trusts, the law being amended on the lines of the Religious Endowment Act of India.

Public Trustee.—The Public Trustee Ordinance was passed in 1922, but it was not brought into operation. As a preliminary to making it law the present Ordinance (No. 11) makes a number of amendments with the object of enlarging the scope of the Public Trustee's activities. The principal changes are to the following effect: (*a*) The court is empowered to appoint the Public Trustee: (i) curator or manager of the property of minors, lunatics and convicts (ss. 4, 7 and 8—new s. 15B); (ii) trustee (including executor or administrator) in place of an existing trustee who has been guilty of misconduct or mismanagement (s. 16—new s. 32B): (iii) auditor of the accounts of private trusts (s. 16—new s. 32D). (*b*) The Public Trustee is in addition authorized: (i) to act as attorney for the receipt and payment of money for persons out of Ceylon (s. 4—new s. 6 (1) (*f*); (ii) to undertake the administration of trusts for religious and charitable purposes so long as no personal liability to perform religious duties is involved (s. 6) ; (iii) to apply for administration of estates over Rs. 2,500 in value, where there is delay on the part of those entitled to claim administration (s. 12) ; (iv) to accept the custody of the will of any living person (s. 16—new s. 32c).

The remaining sections of this Ordinance are designed mainly for the correction of some errors in the principal Ordinance, and for the purpose of increasing the usefulness of the Public Trustee's office and simplifying its work.

Rates and Taxes.—The purpose of No. 12 is to enable a municipal council to remit a portion of the quarterly rates and taxes ordinarily due in respect of a building when for reasons unconnected with structural alteration, repairs or improvements (already provided for in subsection (1) of s. 121 of the Municipal Councils Ordinance, 1910) the building remains untenanted for a whole month. The immediate reason for this amendment is the desire to afford relief to landlords in the present general trade depression which has made the renting of their buildings and the continuance of tenancy a matter of much greater uncertainty than the subsection that is amended was capable of providing for in its original form.

Sale of Liquor.—Because popular excitement on days on which polls are taken for election to the State Council might easily result in a breach of the peace if liquor is then as readily available in the locality as ordinarily, No. 4 expressly extends to such occasions the power of closing shops in which excisable articles are sold.

State Mortgage Bank.—The bank that is to be established in Colombo under the provisions of No. 16 is to confine its attention solely to the granting of long-term mortgage loans for agricultural purposes and to abstain from all other forms of banking activities. This bank is to be under the general supervision of a board of five directors appointed by the Governor, and in the charge as chief executive officer of a manager appointed by the board with the approval of the Governor. It is to have a staff of valuators, legal advisers and agents that is usual for such an institution, and also the assistance of branch boards in the provinces to advise it in its business in those areas. The bank is permitted to provide the first capital for its activities by borrowing up to a maximum Rs. 25,000,000 by the sale of debentures. These debentures, which are to be of the value of Rs. 50 each, are to be redeemed within twenty-five years of issue. The assets of the bank will form the primary security for this debenture debt, but to inspire confidence in investors the general revenue of the Island is pledged as a possible final source for its repayment. Debentures are to be capable of transfer, and out of sums that have accrued to the bank from its loans the oldest outstanding debentures for the time being are liable to be paid off at par once every half-year. Loans by the bank which are to be made only for the purpose of purchasing, leasing, developing or improving agricultural land and purposes ancillary thereto (including the payment of debts incurred for any of these purposes) are to be granted at not less than 6½ per cent. per annum on the primary mortgage of land in Ceylon. They may not be in sums less than Rs. 5,000 or greater than the amount fixed by rules under s. 92 or for periods below five years or beyond twenty-five years ; and they are to be repaid in half-yearly instalments or equated payments as arranged at the time the loan is given. They are liable to be recalled if the grant was influenced by misrepresentations by the borrower or if the security depreciates sufficiently in value as to endanger the safety of the loan, and their recovery is regulated by rules of procedure less dilatory than those of an ordinary action. The manner in which the bank is to keep its accounts is prescribed in more than usual detail, as in an institution where the maintenance of the balance between debentures and loans is vital it is advisable to make statutory provision for keeping capital and revenue entirely apart. As a check on its conduct of business, however, the bank's accounts are to be audited by a person appointed by the Governor in Council, and there is besides to be, at the instance of the Governor, a more thorough investigation into the bank's affairs at least once in five years. With the provisions necessary to give effect to the salient features of the scheme touched on above there are incorporated in their appropriate places in the Ordinance the powers essential for the conduct of the business of the bank on sound lines. For instance, there is a wide power to provide by statutory rules for the more important details of management, and some acts which are likely to endanger the credit and safety of the bank are made criminal offences. Among the latter it may be of interest to note is the offence of misapplying a loan for a purpose other than that for which it was granted by the bank.

1932.

[*Contributed by* P. C. VILLAVA-RAYAN, ESQ., M.A., *Assistant Legal Draftsman.*]

Ordinances passed—28.

Income-tax.—Ordinance No. 2, as amended by Nos. 7 and 21, imposes a tax upon incomes and regulates its collection. For residents the rates of tax are 5 per cent. on the first 6,000 rupees of the taxable income, 10 per cent. on the next 30,000 and 15 per cent. on the remainder. Non-residents are chargeable at a flat rate of 10 per cent. on the first 50,000 rupees and 15 per cent. on the remainder of their taxable income; and in the case of companies whose shares are not moveable property situate in Ceylon for the purposes of the Estate Duty Ordinance No. 8 of 1919, provision is made for a special rate of 12 per cent. in order to make up for the loss of estate duty. In the Ordinance the above rates are given respectively as the unit rate, twice the unit rate, three times the unit rate, and twice the unit rate increased by an additional rate of 2 per cent., the unit itself being defined in the Schedule as 5 per cent. for the first year of assessment and being subject to amendment for any year thereafter by resolution of the State Council sanctioned by the Governor.

The modes of computing first the statutory income, secondly the assessable income—arrived at by deducting certain specified liabilities or losses from the statutory income, and lastly the taxable income, are laid down in cc. 4, 5 and 6 of the Ordinance. The allowances that may be deducted from the assessable income in order to ascertain the taxable income are of some interest. They are: (*a*) a personal allowance of 2,000 rupees; (*b*) an allowance not exceeding 4,000 rupees in respect of earned income; (*c*) an allowance of 1,000 rupees for a wife alive at any time during the preceding year; (*d*) an allowance of 1,000 rupees for the first child, and 500 rupees for each of four other children if they are under 18 years of age or still receiving full-time instruction; and (*e*) an allowance of 250 rupees for each of four destitute relations or dependents if they are actually living with the person assessed and are maintained by him. In the case of agricultural undertakings a deduction of 15 per cent. of the profits of mature areas is permitted as an allowance for the aggregate expenses incurred on the immature areas, irrespective of the number or size of the latter.

Relief from double taxation is provided in two cases: (1) where the income is derived from an agricultural product on which an export duty is levied; and (2) where the income is liable to income-tax, both in Ceylon and in the United Kingdom or in any other part of the Empire where the legislature has provided for similar relief in respect of tax payable both in that part and in Ceylon.

A new subsection added to s. 20 by the amending Ordinance No. 21 makes it clear that in any case where no tax is chargeable on any income by reason of the allowances provided for in c. 6, a tax equivalent to 1 per cent. of the assessable income shall nevertheless be paid.

Three successive appeals are possible under the Ordinance. An assessment made by an assessor and allowed by an Assistant Commissioner can in the first instance be taken up in appeal before the Commissioner of Income-tax. From his decision there is an appeal to the Board of Review acting with the assistance of a legal adviser. On the application of the appellant or of the Commissioner the Board itself can state a case to be heard by the Supreme Court.

Motor-cars.—The Motor Car (Convention) Ordinance, No. 25, has been framed on the lines of the Motor Car (International Circulation) Act, 1909, and is intended to give effect to the provisions of the International Convention signed at Paris on April 24, 1926, and other similar Conventions that may hereafter be signed. It enables regulations to be made for the matters that may have to be provided for from time to time, including the grant authentication and recognition of international certificates for motor vehicles and of international driving permits.

Poll-tax Abolition.—In November 1924 a motion for the abolition of the poll-tax introduced in the Legislative Council was accepted by the Government, and the necessary administrative measures were taken as the result of a decision of the Executive Council in June, 1926. But although the tax itself thus ceased to be levied the section of the various Ordinances which authorized and regulated its collection remained unrepealed. Ordinance No. 11 formally repeals the relevant enactments and gives the necessary indemnification for the technical disregard of the law during the interval between 1927 and the date of its own commencement.

2. HONG KONG.

[*Contributed by the* HON. MR. C. G. ALABASTER, K.C., O.B.E., *Attorney-General.*]

Ordinances passed—43.

The forty-three Ordinances passed during the year comprised two appropriation, three replacement, two incorporation, nine consolidation, twenty-one amendment, one special resumption Ordinance and five Ordinances which were new to the Colony.

Industrial and Reformatory Schools.—Ordinance No. 6, which replaces the Reformatory Schools Ordinance, No. 11 of 1901, provides generally for the institution and regulation of industrial and reformatory schools on the lines of English law and of the Straits Settlements Ordinance No. 47.

Pensions.—Ordinance No. 21, which replaces the Pensions Ordinances, No. 2 of 1862 and No. 2 of 1928, and the pension minutes issued under them (except as respects persons who had already retired or as respects the rights of persons acquired thereunder), is based on the recent pension enactments of similar Colonies and States and particularly on the Pensions Enactment, 1928, of the Federated Malay States.

Companies.—Ordinance No. 39, which is based on the provisions of the Companies Act, 1929 (19 & 20 Geo. 5, c. 23), replaces the Companies Ordinance No. 58 of 1911 and its amending Ordinances which were based on the Companies Act, 1908.

Estate Duty.—Ordinance No. 3 consolidates the law relating to estate duty.

Factory Legislation.—Ordinance No. 27 consolidates the law relating to factories and workshops and to the employment of women, young persons and children in certain industries.

Summary Offences and Magistrates.—Ordinances Nos. 40 and 41 consolidate the enactments relating to summary offences and magistrates respectively.

Opium.—The law relating to opium is consolidated by Ordinance No. 7. Another consolidation Ordinance, No. 31, relating to other dangerous drugs was enacted but has not been brought into force by proclamation. It will probably be replaced by a new Consolidation Ordinance in 1934.

Police and Prisons.—Ordinances Nos. 37 and 38 consolidate the enactments relating to the police force and prisons respectively.

United Kingdom Patents.—Ordinance No. 42 consolidates the enactments relating to the registration of United Kingdom patents. It is based on models prepared by the Board of Trade in order to carry out the recommendations of the British Empire Patent Conference, 1922, and the Imperial Economic Conference, 1923.

Imperial Preference.—Ordinance No. 32 applies the principles of Empire Preference to motor vehicles by requiring foreign-made motor vehicles to pay a special additional fee of 20 per cent. of their value on first registration for use in the Colony.

Employment of Young Persons and Children at Sea.—Ordinance No. 13 implements, under Art. 421 of the Treaty of Versailles, the Convention adopted on July 9, 1920, by a general conference of the International Labour Organization of the League of Nations fixing 14 years as the minimum age for admission of children to employment at sea.

Juvenile Offenders.—Ordinance No. 1 makes provision for proceedings relating to juvenile offenders. It is based mainly on the relevant provisions of the Probation of Offenders Act, 1907, the Children Act, 1908, the Juvenile Courts (Metropolis) Act, 1920, and the Criminal Justice Act, 1925.

Divorce.—Ordinance No. 35 confers on the Supreme Court a jurisdiction in divorce and matrimonial causes. It follows generally the model of the Straits Settlements Ordinance No. 123.

3. STRAITS SETTLEMENTS.

[*Contributed by* A. de Mello, Esq.]

Ordinances passed—25.

Mui-tsai.—As a result of agitation in the Imperial Parliament, the Hong Kong Legislature had, in 1923, enacted the Female Domestic

Service Ordinance (No. 1 of 1923)[1] with a view to abolishing the practice (imported from the adjacent Canton province of China) whereby servant-girls (*mui-tsais*, in Cantonese) could be acquired by purchase, and included in the personal chattels of the purchaser.

The new Ordinance (No. 5) of the Straits Settlements, though following the principle of the Hong Kong enactment, extends the definition of the term *mui-tsai* to cover cases of acquisition by pledge or gift, the effect being that under no circumstances can a maid-servant have the status of a chattel. A system of registration is introduced (s. 4) excluding from the operation of the law such women or girls as, conformably to Chinese usage hitherto in vogue, already have that status, but as such registration of *mui-tsais* already in the Colony must be effected within six months, under penalty of the possessor being punishable as for a criminal offence, it is easy to foresee that the *mui-tsai* custom will come to an end when the youngest girl registered as such attains the age of 18 years.

Moreover, the acquisition of a *mui-tsai* is prohibited (s. 3), as is also the bringing into the Colony of a woman or girl acquired as a *mui-tsai* elsewhere, unless she has been already registered as a *mui-tsai* in another colony, or in a British Protectorate, or in one of the Malay States.

Provision is also made (s. 10) for *mui-tsais*, who desire to return to their parents, being so restored, and (s. 7) for their proper treatment by employers.

Appropriate powers of search (s. 20) and penalties (s. 14) are enacted for contravention of the law, and its administration is vested in the Chinese Protectorate, with whose sanction alone prosecutions can be instituted (s. 15).

Uniformity of administration is secured by correlative enactments passed in all the States of the Malay Peninsula under British protection.

4. FEDERATED MALAY STATES.

[*Contributed by* A. DE MELLO, ESQ.]

Enactments passed—40.

Companies.—While assimilating the law to that in force in the Straits Settlements under Ordinance No. 155 (Companies), and in the United Kingdom under the new Companies Act of 1929, Enactment No. 40 innovates more particularly in: (i) the imposition of penalties for the non-registration of banking partnerships of over ten persons, and other partnerships of over twenty persons; (ii) the requirement of registration, by companies incorporated outside the Federated Malay States, of mortgages and charges created by them over property within the States.

Administration of Estates.—Enactment No. 12 of 1929, adopting the ruling of the Court of Appeal of the Straits Settlements in *Ong Cheng Neo* v. *Yap Kwan Seng*[2] in 1897, had provided that the succession to an intestate's estate, whether moveable or immoveable, was to be regulated by the law of the country in which he was domiciled. This was contrary to the generally accepted principle of International Law that the distribution of immoveable property is governed by the *lex situs*, and not by the *lex domicilii*. The above-mentioned Colonial decision had long been regarded as inappropriate, and the present Enactment (No. 28) therefore abrogates an exceptional state of the law, and reverts to recognized international doctrine.

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[1] See *Journ. Comp. Leg.*, Third Series, vol. vii, pt. iii, p. 161. The Hong Kong Ordinance referred to above has since been amended by Ordinance No. 22 of 1929, see *Journ. Comp. Leg.*, Third Series, vol. xiii, pt. iii, p. 131.

[2] *Straits Settlements Law Reports* (1897), Supp., p. 1.

Legitimacy.—Enactment No. 29 introduces the *legitimatio per subsequens matrimonium* which, originating in the later Roman Empire (Constitutions of the Emperors Constantine, Zeno, Anastasius and Justinian), has ever since been adopted in countries where Roman Law prevails [1] and in Scotland, and has quite recently been introduced into England by the Legitimacy Act of 1926. The scope of the Enactment is, however, confined to cases where the subsequent marriage is (as is implied in the English Act) a Christian marriage. It is not expected that the practical results of the Enactment in the Federated Malay States (nor in the analogous Ordinance that is contemplated in the Colony of the Straits Settlements) [2] will be very great, but it was felt that the taint of illegitimacy should be removed, so far as was possible, from innocent persons.

Registration of United Kingdom Designs.—Enactment No. 26, passed on the recommendation of the Colonial Office in the interests of British exporters, ensures legal protection, analogous to that already afforded to merchandise marks in general, for designs registered in the United Kingdom.

The procedure prescribed is similar to that in force as regards British patents, under the Imperial Patents and Designs Acts, 1907 to 1911. The registered proprietor of a registered design is entitled to a local certificate of registration and to local protection. No opposition is allowed in the first instance, but cancellation is provided for (s. 9) on the ground of prior publication.

5. MAURITIUS.

[*Contributed by* E. NAIRAC, ESQ., *Procureur-General*.]

Forty-five Ordinances were passed by the Council of Government and assented to by the Governor during the year 1932, of which the following may be mentioned specially owing to their importance in the legislation.

Customs Tariff.—No. 28 enacts a consolidated customs tariff involving increased duty on many articles and establishing throughout a large measure of preferential duties in favour of British and Canadian goods—with a clause enabling the Governor by Proclamation to extend the preferential rates to any other Dominion or Colony granting reciprocity. The measure of preference on many articles is much over and in no case less than 10 per cent. difference between the general and preferential rates.

Immigration of Destitutes and Repatriation of Distressed Seamen.—No. 6 imposes restrictions, by way of security to be furnished, on the landing of destitute immigrants and gives power to the Governor to refuse permission to land to destitute immigrants once already repatriated at the cost of the Colony; Ordinance No. 35 imposes on the masters, owners or consignees of all ships, other than those registered in Mauritius, the obligation of giving security for the cost of relief, maintenance and repatriation of seamen engaged locally in the event of those seamen being discharged or left behind in distress in a foreign port.

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[1] See, for example, Arts. 331–333 of the French *Code Civil*.

[2] The Privy Council had recently held in *Khoo Hooi Leng* v. *Khoo Chong Yeok*, [1930] A.C. 346, that the *Chinese* custom of legitimation of natural children by subsequent recognition did not form part of the law of the Straits Settlements; see *Journ. Comp. Leg.*, Third Series, vol. xvi, pt. i, p. 118, for a note on this case.

Income-tax.—No. 21 provides for the imposition of income-tax at the rate of 5 per cent. on first Rs. 6,000 income and 10 per cent. on any income next above that amount. The Ordinance is based on the Colonial Office model drafted in 1922. The year of assessment is to begin on July 1, 1932, for the preceding year of chargeable income, but authority has been received to postpone the tax for one year, so that the year of assessment will begin on July 1, 1933, in respect of the chargeable income received from July 1, 1932, to June 30, 1933.

Road Transport.—No. 8 establishes a Transport Control Board with an unofficial majority of members to regulate and co-ordinate motor vehicular traffic (goods and passengers) on roads, charges and rates distribution of transport over roads and areas, and general control—insurance against passenger and third-party risks is compulsory. The Ordinance is based on the legislation in South Africa and the recent English Statutes.

Widows and Orphans Pensions.—No. 23 hands over the existing fund to the general revenue of the Colony and is preparatory to legislation converting the fund into a government scheme.

General.—Other Ordinances were passed providing for: a passenger tax on embarking and on landing on a graduated scale (No. 33); a tax of 1 per cent. on remittances abroad and on drafts, etc., sent for collection (No. 29); levies on government officials' salary (Nos. 4, 20 and 32); an excise duty on locally manufactured fruit wines (No. 38).

6. STATE OF NORTH BORNEO.

[*Contributed by* J. MAXWELL HALL, ESQ., *Legal Adviser*.]

Seven Ordinances were passed into law during 1932.

Wharf Dues.—Ordinance No. 1 provides for the payment of additional wharf dues at 20 cents a pikul on all goods landed at or shipped for ultimate export from any place served by the State railways except Jesselton and Weston.

Procedure.—Ordinance No. 2 contains amendments to Schedules III and V of the Procedure Ordinance, the most notable of which is the amendment enabling an accused person to be a competent witness on his own behalf.

Stamps.—Ordinance No. 3 consolidates the former Stamps Ordinances and in some cases makes alterations in the stamp duty to which documents are liable.

Registration of School Teachers.—Ordinance No. 4 repeals the Supervision of Alien Missionaries Ordinance, and requires the registration of all school teachers, while allowing the issue to any British subject or citizen of the State of a certificate of exemption from registration.

Liquors Revenue.—Ordinance No. 5 empowers the Governor to impose in any area, by notification in the *Gazette*, taxes in lieu of excise duty on any native liquor distilled, fermented, made or prepared in such area.

Orchid Protection.—Ordinance No. 6 repeals Ordinance No. 7 of 1890. It prohibits the capture or killing of any rare bird, the collection of orchids or other rare or valuable plants for sale, trade or export and the collection of reptiles or reptile skins for sale, trade or export, without a permit from the Resident. The Ordinance also requires that any person other than a person ordinarily domiciled in the State shall obtain a permit from the Resident before visiting any place which is not a port declared under the Ports and Harbours (Consolidating) Ordinance nor a place which can be reached by railway, road or launch.

Abolition of Indentured Labour.—Ordinance No. 7 provides that no contract—within the meaning of the Labour Ordinance, 1929—entered into on or after January 1, 1933, for a period exceeding one month shall be valid, and that no written contract entered into after the said date shall be attested or registered under the Labour Ordinance, 1929.

7. SEYCHELLES.

Acts passed—34.

Trade Unions.—Ordinance No. 7, as amended by Ordinance No. 30, legalizes trade unions and provides for their compulsory registration. No protection is given by the Ordinance to any member of a trade union who forwards the purposes of the union by unlawful means such as violence, intimidation, threats or besetting, and any person so acting is guilty of an offence and liable on conviction to a term of imprisonment not exceeding three months and a fine not exceeding Rs. 200.

Immigration.—Ordinance No. 8 regulates immigration into the Colony and provides for the deportation of aliens and undesirable immigrants.

Patchouli Oil.—Ordinance No. 11 prohibits the export of patchouli oil unless it has been previously passed as "standard quality" by the Government Department of Agriculture. Power is given to the Governor in Executive Council by proclamation to apply the provisions of the Ordinance to any other essential oil produced in the Colony.

Industrial Employment.—Ordinance No. 12 applies to the Colony the provisions of the International Conventions relating to the minimum age of admission of children to industrial employment, night work of women and young persons employed in industry and the minimum age for admission of children to employment at sea.

Minimum Wage.—Ordinance No. 22 empowers the Governor in Executive Council to order that a minimum rate of wages be paid to those employed in any occupation whenever it appears that the actual wages paid for that occupation are unreasonably low. The Governor may appoint one or more advisory boards to assist in the better carrying out of the provisions of the Ordinance, and may make rules in Executive Council to regulate the appointment and procedure of such boards. The Ordinance gives effect in the Colony to the terms of the Convention adopted in June 1928 by the International Labour Conference.

Clubs Registration.—Ordinance No. 26 provides for the registration and regulation of clubs wherein intoxicating liquor is supplied.

Dentistry.—Ordinance No. 29 regulates the practice of dentistry and provides for the registration as dentists of all persons whose qualifications entitle them to registration in the Dental Register of Great Britain and Northern Ireland, all qualifications from British Colonies or Dominions entitling the holder to be registered in the Dental Register of Great Britain and Northern Ireland, all foreign qualifications in dentistry entitling the holder to practise in the country in which he has obtained such qualifications and that grants reciprocity, and those persons residing in the Colony who two years prior to the date of this Ordinance coming into force were *bona fide* engaged in the practice of dentistry in the Colony, and on report made by the Chief Medical Officer that the applicant has the requisite skill and knowledge for the efficient practice of dentistry.

Dangerous Drugs.—Ordinance No. 31 gives effect to the Convention signed at Geneva, July 13, 1931, by providing for the extension of the Dangerous Drugs Act to drugs capable of being converted into dangerous drugs.

IX. WEST AFRICA.

1. GAMBIA.

[*Contributed by* A. G. B. MANSON, ESQ., *Legal Adviser.*]

Ordinances passed—29.

Customs Tariff.—No. 4 provides for the imposition of preferential duties in accordance with the agreements reached at the Imperial Economic Conference at Ottawa in 1932.

Aliens. — The Aliens (Acquisition of Property) Ordinance, No. 6, confers on aliens the right to hold and dispose of real and personal property in the Colony in all respects as natural-born British subjects.

Quarantine.—No. 15 gives effect to the International Sanitary Convention, 1926, to which the Gambia is a party, and makes full provision for preventing the introduction into and spread in the Gambia and the transmission from the Gambia of dangerous infectious disease.

Trade Unions.—No. 29 provides for the compulsory registration of trade unions and other matters in connexion therewith, based on Imperial legislation.

Merchant Shipping.—The Unseaworthy Ships (Detention) Ordinance, No. 18, provides for the detention of unseaworthy ships and contains provisions equivalent to those contained in the Imperial Merchant Shipping Act, 1894, and amending Acts on this subject.

Arms and Ammunition.—No. 24 makes a licence necessary for the possession and use of air-guns, air-rifles and air-pistols.

The remaining Ordinances dealt with matters of local interest and do not require comment.

2. GOLD COAST.

[*Contributed by* L. E. V. MCCARTHY, ESQ., *Solicitor-General.*]

Thirty Ordinances were passed, of which the most important were the following :

Land (Perpetual Succession).—No. 6 enables bodies or associations of persons established for religious or other non-commercial purposes to appoint trustees to hold land on their behalf in perpetual succession. When the requisite formalities relating to such appointment have been completed, the Governor is empowered to grant a certificate of registration of the trustees as a corporate body.

Arbitration (Foreign Awards).—No. 7 was enacted in consequence of the accession by the Gold Coast to the Convention of the Execution of Foreign Arbitral Awards, 1927, which rendered it necessary to make provision for the execution locally of foreign arbitral awards.

Master and Servant.—No. 9 applies to the Colony certain International Conventions dealing with (*a*) the minimum age for admission of children to industrial employment, (*b*) night work of young persons employed in industry, and (*c*) employment of women during the night.

Official Emoluments Levy.—No. 14 imposes a levy upon the emoluments of government officers. The Ordinance is expressed to expire in twelve months, unless prolonged by law.

Wages Regulation.—No. 23 provides minimum wage fixing machinery as required by the Convention adopted by the International Labour Conference on June 23, 1928. It empowers the Governor to appoint one or more commissioners to inquire into the wages received by workers engaged in any form of commercial, manufacturing or agricultural employment, with reference to the whole or any part of the Colony. If upon consideration of the report it appears to the Governor in Council that the rate of wages for persons engaged in any form of employment subject to inquiry is unreasonably low, the Governor in Council may by Order prescribe a minimum rate of wages for persons engaged in the said employment.

Criminal Procedure.—No. 25 shifts the burden of proof in respect of certain matters in criminal cases. It provides that no exception, exemption, proviso, excuse, authorization or qualification relating to an offence need be specified or negatived in the charge or information, and if so specified or negatived no proof in relation to such matter shall be required on the part of the prosecution. It also alters the provisions in the Criminal Procedure Ordinance as to liability for jury service. Whereas government officers were previously exempt, they are now with certain exceptions liable for such service.

(i) ASHANTI.

Seventeen Ordinances were enacted, of which the most important are the following:

Native Jurisdiction.—No. 3 effects various amendments of the Native Jurisdiction Ordinance.

Arbitration (Foreign Awards).—No. 4, subject to minor modifications, is identical with the corresponding Gold Coast Colony Ordinance (No. 7 of 1932).

(ii) NORTHERN TERRITORIES.

Thirteen Ordinances were passed, of which the most important were the following:

Native Tribunals.—No. 1 makes provision for the constitution of native tribunals and for the regulation of their jurisdiction. The members of such tribunals are to be appointed by the Chief Commissioner with the approval of the Governor, and the tribunals may exercise such civil and criminal jurisdiction as may be prescribed by the same authority. Native tribunals had previously functioned in the Protectorate, but their constitution and jurisdiction were indeterminate, and no adequate machinery was provided by statute for their efficient working.

Native Authority.—No. 2 is in a sense complementary to the Native Tribunals Ordinance, 1932. Whereas the latter Ordinance is intended to organize and develop the exercise by native authorities of judicial functions, the former Ordinance is intended to do the same for the exercise by native authorities of executive and administrative functions.

Water Supply.—No. 5 is an Ordinance to provide and regulate a supply of water for the town of Tamale in the Northern Territories. The provision for a general water rate is somewhat unusual, but it is found suitable for local conditions. There is a Schedule containing descriptions of different types of " buildings," *e.g.* a hut or living-room of purely native design and structure. A flat rate in respect of each type of " building " is specified in the Schedule, which may be varied by the Governor by Order.

Arbitration (Foreign Awards).—No. 6, subject to minor modifications, is identical with the corresponding Gold Coast Colony Ordinance (No. 7 of 1932).

(iii) TOGOLAND UNDER BRITISH MANDATE.

Five Ordinances were passed, of which the following is the most important :

Native Administration (Southern Section).—No. 1 may be succinctly described as a blend of the Northern Territories Ordinances Nos. 1 and 2 of 1932 above described.

3. NIGERIA.

Ordinances passed—24.

[*Contributed by* E. O. PRETHEROE, ESQ., *Acting Solicitor-General.*]

Criminal Code.—Ordinance No. 2 abolishes the penalty of imprisonment in stocks, in so far as the Supreme and Provincial Courts are concerned, and increases the maximum term of imprisonment for slave dealing, child stealing and kindred offences from seven to fourteen years.

Immigration Restriction.—Ordinance No. 4 amends s. 5 of the Immigration Restriction Ordinance by excluding natives of Nigeria from the persons described in subsections (*c*), (*d*), (*e*) and (*f*). Ordinance No. 7 amends s. 16 of the Immigration Restriction Ordinance so as to exclude its application to seamen who are natives of Nigeria.

Customs Tariff.—Ordinance No. 6 exempts from export duty palm produce exported direct from the Cameroons under British Mandate across the frontier into the Cameroons under French Mandate.

Widows' and Orphans' Pension.—Ordinance No. 8 confers on the Secretary of State discretionary power to reduce, or declare forfeited, rights acquired under the Ordinance in cases where wilful false statements have been made in connexion with any of the particulars required.

Assessment.—Ordinance No. 16 provides for the rating of tenements on their unimproved value as an alternative method.

Labour.—Ordinance No. 17 applies to Nigeria the provisions of certain international conventions, not already in force in Nigeria, relating to : (*a*) minimum wages for labourers ; (*b*) prohibition of employment of young persons in night work, except in certain exceptional industries ; and (*c*) prohibition of employing children under the age of 14 in industrial undertakings.

It increases the punishment for illegal recruiting of labour for service abroad.

It confers the right to detain any vessel knowingly used for conveying away, or attempting to convey away, from Nigeria illegally recruited labour until a penalty is paid and, in the case of small vessels engaged in such manner, declares them forfeited.

Undesirable Advertisements.—Ordinance No. 18 is based on the English Venereal Diseases Act, 1917, and prohibits certain kinds of undesirable advertisements.

Native Administrations (Legal Proceedings).—Ordinance No. 19 provides that suits can be maintained by and instituted against any Native Administration.

Native Children (Custody and Reformation).—Ordinance No. 21 adds to the cases in which mandates may be issued under the Native Children (Custody and Reformation) Ordinance.

Liquor.—Ordinance No. 22 increases the penalties for illicit distillation of spirits, and the possession of spirits so distilled. It also prohibits the possession, in prescribed areas, of metal tubing unless shown not to be for the purpose of distillation of spirits.

4. SIERRA LEONE.

[*Contributed by* I. J. TURBETT, ESQ., *Attorney-General.*]

1931.

In the year under review, thirty-three Ordinances were passed by the Legislature. Of these, twenty-three either amended or repealed existing measures, two dealt with supply and the remaining eight related to matters which had not previously formed the subject of legislation. Few enactments of general interest or importance were placed on the Statute Book during the year, but the following might be mentioned:

Railway and Harbour Works.—The Marampa Railway and Harbour Works Construction Ordinance, No. 2, empowers a private corporation to acquire land, construct a harbour and build a railway for the purpose of exploiting certain mineral deposits in the Protectorate.

Foreshores.—The main objects of Ordinance No. 11 are (i) to regularize the legal position in regard to all existing wharves and the erection of the same in future, (ii) to prohibit the construction of future wharves except in accordance with the provisions of the Ordinance, (iii) to enable the Governor to reclaim parts of the foreshore and sea-bed of the Colony, and to provide for the vesting of all such reclaimed lands in the Crown and (iv) to empower the Governor to grant leases of the foreshore and sea-bed, provided that no substantial infringement of public rights will be occasioned thereby.

Destruction of Locusts.—Ordinance No. 21 enables the Agricultural Department of the Colony to co-ordinate all available resources in any specified area which is in danger from the ravages of locusts, in order to meet the attack of these insects. The Ordinance is based to a large extent on a similar measure in force in Tanganyika.

Ferries.—Ordinance No. 27 is designed to regulate all public ferries in the Protectorate, and the main objects of the Ordinance are (*a*) to declare which ferries in the Protectorate are public ferries and to vest such public ferries in His Majesty; (*b*) to empower the Governor in Council to impose tolls for the use of every or any public ferry; (*c*) to provide for the collection of such tolls and prohibit extortion or misconduct on the part of those appointed to collect them; (*d*) to prohibit competition with public ferries in respect of the carriage of motor vehicles; (*e*) to empower the

Governor to let the tolls of every or any public ferry for a period not exceeding seven years; (*f*) to define the extent of Government's liability in the case of an accident at any public ferry; and (*g*) to confer power on the Governor in Council to make rules for the purpose of regulating the use of public ferries and safeguarding those who use them.

Non-Native Poll-tax.—Ordinance No. 28 imposes a tax of £2 on all non-natives residing in the Colony and Protectorate with certain exceptions. The definite exemptions from liability allowed by the Ordinance are (*a*) married women living with their husbands, (*b*) persons under the age of 18 years and (*c*) persons on temporary visits to Sierra Leone. Power is also given to the Governor in Council to remit or refund, wholly or in part, the payment of the tax on the ground of poverty or other good cause.

Cinematograph Exhibitions.—Ordinance No. 12 replaces the Cinematograph Ordinance of 1924 and gives effect to certain recommendations of the Colonial Films Committee by making provision for (i) the more efficient censorship of films by the establishment of a Censorship Board, (ii) the regulation of all cinematograph displays, whether public or private, and (iii) the control of all pictures or posters advertising any cinematograph display.

Court Messengers.—Ordinance No. 13 replaces the Court Messengers Ordinance, 1924, an enactment which applies to the Court Messengers Force in the Protectorate the usual provisions for the organization, discipline and control of a Police Force; introduces the system of good-conduct pay as a means of promoting efficiency; regulates the enlistment of supernumerary men employed by mining and other commercial companies, and prevents such abuses as may arise from the unlawful personation of court messengers.

Concessions.—Ordinance No. 29 repeals and replaces the Concessions Ordinance, 1924, by a measure which will enable certain recent concessions to be worked in accordance with the agreements which had been arrived at between Government and the concessionaires. Advantage was also taken to modernize the existing law in accordance with more recent enactments of this nature. Otherwise the Ordinance is of no especial general importance or interest.

1932.

Many important measures of legal reform were placed on the Statute Book during the year and some fifty Ordinances in all were enacted. Of these forty either amended or repealed existing enactments, two dealt with supply, while the remaining eight dealt with matters which had not hitherto been the subject of legislation.

Foodstuffs (Control and Prevention of Exploitation).—Ordinance No. 14 gives the Governor in Council power to deal with attempts to force up the price of any essential foodstuffs, and to take such steps as may be practicable to control the consumption and distribution of such foodstuffs, of which there is a genuine shortage, in the interests of the community.

Highway Tolls.—Ordinance No. 16 enables the Governor in Council to levy tolls on motor vehicles conveying imported goods or merchandise along the Protectorate highways and thereby entering into competition with the government railways.

Mining Benefits Trust Fund.—Ordinance No. 18 establishes a fund into which are to be paid all rents (except surface rents) arising under Protectorate mining rights, mining leases and water rights, and which will be administered by the Governor in Council as trustees for the exclusive benefit of the natives of the Protectorate.

Alteration of Time.—Ordinance No. 34 legalizes the alteration of the local time and secures a certain extra period of daylight in the short days of the year.

Imperial Statutes (Law of Property) Adoption.—Ordinance No. 44 modernizes to a considerable extent the existing rules of law relating to real property and simplifies the law and practice of conveyancing by bringing into legal effect most of the provisions of the Imperial Conveyancing Statutes enacted between the years 1881 and 1911. The law relating to trusts and trustees in force in England on January 1, 1922, has also been incorporated, and in addition the law relating to married women's property and their right to sue and be sued has been brought into line with modern enactments.

Imperial Statutes (Criminal Law) Adoption.—Ordinance No. 45 amends the existing criminal law by adopting most of the important provisions, as are applicable to the Colony, of the following Statutes of the Imperial Parliament: the Perjury Act, 1911; the Forgery Act, 1913; and the Larceny Act, 1916.

European Reserve Force.—Ordinance No. 46 provides for the creation of a European Reserve Force in Sierra Leone, in order to augment the European personnel of the Sierra Leone Battalion of the Royal West African Frontier Force in time of war or other emergency.

Forced Labour.—Ordinance No. 50 gives statutory effect to the provisions of the Convention concerning forced or compulsory labour which was adopted by the International Labour Conference at Geneva in June 1930.

Customs Tariff.—Ordinance No. 1 repeals the Customs Tariff Ordinance, 1924, and introduces preferential rates of import duties in respect of goods which are the growth, produce or manufacture of the British Empire. Power is also reserved to the Governor in Council subject to the approval of the Legislative Council to admit goods of any foreign country which deserves special consideration by reason of its consumption of Sierra Leone products at lesser rates of duty than those provided in the general tariff, and to levy additional duties on the goods of any country which imposes discriminating duties or restrictions on any produce or manufacture of Sierra Leone.

Lunatics Removal.—Ordinance No. 20 replaces the Lunatics Removal Ordinance, 1924, and facilitates the removal of lunatics who are not natives of Sierra Leone to their own countries.

Survey of Boats.—Ordinance No. 36 repeals the Registration of Boats Ordinance, 1927, and prohibits the overcrowding and overloading of boats not exceeding 15 tons burden which are used for carrying passengers, cattle and cargo along the coast and in the rivers and creeks. Such boats are also liable to an annual survey and are obliged to obtain a certificate of suitability.

Criminal Procedure.—Ordinance No. 38 consolidates all the more important provisions of the Common Law, Imperial Statutes and local Ordinances which at present govern procedure in criminal cases, and includes certain amendments in this procedure which have been introduced in modern times by recent Imperial Statutes in Great Britain.

Supreme Court.—Ordinance No. 39 consolidates and amends the law relating to the practice and procedure of the Supreme Court, by omitting certain of the provisions of the Supreme Court Ordinance, 1924, which, through effluxion of time and other causes, have become unnecessary or out of place in a Supreme Court Ordinance, and incorporating other necessary provisions suitable to existing requirements.

Protectorate Courts Jurisdiction.—In view of the enactment of a distinct Criminal Procedure Ordinance, it was found practicable to repeal and replace the Protectorate Courts Jurisdiction Ordinance, 1924, which had become unwieldy and heterogeneous in character, by a more suitable and comprehensive measure consolidating and amending the practice and procedure of each individual court in the Protectorate. In this measure (No. 40), in addition to the omission of all provisions relating to criminal procedure, all provisions relating to summary conviction offences and summary ejectment in land cases have been omitted and are now included in short separate Ordinances.

Tribal Administration (Colony).—No. 48 repeals and replaces the Tribal Administration (Colony) Ordinance, 1924. The new measure provides for the appointment of tribal headmen in lieu of tribal rulers and abolishes all the judicial powers which were formerly exercised by the rulers of the tribes. In future the duties of the headmen will be largely confined to the performance of social services, although they are still permitted to exercise a certain limited control over individual members of their tribes.

Jurors and Assessors.—Ordinance No. 49 renders available as jurors all government officials except those who cannot very well be spared for reasons of public convenience, and those who are connected with the administration of justice, and provides further that a unanimous expression of opinion by the assessors shall constitute the decision of the court.

X. EAST AFRICA.

1. KENYA.

[*Contributed by* Arthur Lewey, Esq., M.A., *Crown Counsel.*]

Ordinances passed—53.

The following is a summary of the more important enactments of general interest during the year 1932 :

Trading Centres.—Ordinance No. 10 provides for the establishment of trading centres to be administered by the District Commissioner of the district in which they are situated. Power is given to the Governor to make provision, by rule, for the good order and government of a trading centre and for the health and well-being of its inhabitants.

Minimum Wage.—Ordinance No. 22 is designed to give effect in the Colony to the terms of the Convention adopted in June 1928 by the International Labour Conference. The Convention, which regulates the creation of minimum wage fixing machinery, was duly ratified by His Majesty's Government in the United Kingdom.

The Ordinance is merely permissive. It empowers the Governor in Council to fix a minimum wage for any occupation when he is satisfied that the wages paid are unreasonably low. Provision is made for the appointment of advisory boards to assist the Governor in Council in such matters. The functions of the Board include the investigation of wages and conditions of labour in any municipality, township or district.

Suppression of Rabies.—Ordinance No. 26 was enacted owing to the imperative necessity for special powers to combat the outbreak of rabies which occurred in the Colony towards the end of the year 1931. The Ordinance provides for the detention and destruction of stray dogs in proclaimed districts and prescribes the measures to be taken by owners of diseased and suspected dogs.

Levy on Official Salaries.—Ordinance No. 27 amends in certain respects the Levy on Official Salaries Ordinance, 1931, and particularly in regard to the levy on the salaries of officers of certain services common to Kenya, Uganda and Tanganyika. The Ordinance provides that the levy in such cases is to be paid in full at the appropriate rate in force in the Dependency where the officer is stationed. The proceeds of the levy are to be apportioned between the Governments contributing to the officer's salary.

Local Government (District Councils).—Ordinance No. 30 is an amending Ordinance which simplifies the procedure at district council elections. Changes are introduced into the method of nominating candidates, and provision is made for a fixed date for the annual retirement of councillors and for the holding of elections.

The powers of district councils to control the roads in their districts are rendered more effective. Their control is strengthened particularly in regard to the closing of roads and suspension of traffic with a view to facilitating road construction and repairs.

Sisal Bag Industry.—A proposal was approved to inaugurate in Kenya the manufacture of bags from sisal. Ordinance No. 31 was enacted in order to afford assistance and protection to this new industry. The promoters asked to be safeguarded in their undertaking from unfair competition. It was anticipated that such competition might take the form of attempts by outside competitors to flood the Colony with cheap bags designed to be sold at a loss and below market price with the object of destroying the Kenya industry at its inception. It was further considered desirable to regulate premature competition within the Colony by taking power to control the issue of licences to manufacture sisal bags, thus preventing the establishment of a greater number of factories than the industry could support. These objects are achieved by the provisions of ss. 3 and 4 of the Ordinance. S. 3 seeks to prevent the manipulation of prices, while s. 4 provides for the issue and control of manufacturers' licences.

Prisons.—The provisions of Ordinance No. 34 amend the Prisons Ordinance, 1930, by adding to and clarifying certain sections, more particularly those dealing with penal and reduced diet, remission of sentence and corporal punishment.

S. 5 gives to the Commissioner of Prisons the power to transfer a remand prisoner to any gaol in which the prisoner may most conveniently be detained.

Ancient Monuments.—The principal Ordinance is amended by Ordinance No. 39 in various minor respects. The amendments are designed to safeguard any antiquities which may be found in Kenya. In particular the scope of the definition of " Monument " is enlarged. The prospect of increased activity in Kenya in the near future as regards excavation and general archæological research had emphasized the desirability of this legislation.

Chattels Transfer.—Ordinance No. 36 amends the principal Ordinance in regard to a matter of considerable importance to the commercial community in the Colony. In the principal Ordinance the definition of "Instrument" excluded mortgages or charges granted or created by a company registered under the Companies Ordinance. In spite of this exclusion certain local companies borrowed money in good faith on the security of chattel mortgages. Those mortgages were duly registered as instruments under the Ordinance.

The effect of this amending Ordinance is to enable such companies to give a chattels mortgage by registering an instrument under the Ordinance. The amendment is made retrospective in order that lenders in good faith may, in fact, have the security which they believed they had.

Restraint of Trade.—Agreements in restraint of trade are declared by Ordinance No. 40 to be lawful in regard to certain contracts. Power is reserved to the Supreme Court to declare such covenants or provisions void when the court is satisfied that they are not reasonable in the interests either of the party concerned or of the public. Where a minor is affected by such agreements the court is to consider whether or not they are for his benefit.

Compulsory Labour.—Ordinance No. 42 modifies the existing local legislation on this subject. It gives effect in Kenya to the Convention which was adopted by the International Labour Conference of the League of Nations at Geneva in June 1930.

Dangerous Drugs.—On July 13, 1931, a Convention was signed at Geneva on behalf of His Majesty to make provision for the extension of the law relating to dangerous drugs. Ordinance No. 43 carries out the provisions of this Convention in the Colony. The law in Kenya is consolidated and is brought into line with the law in the United Kingdom, subject to certain variations rendered necessary by local conditions.

Money-lenders.—Ordinance No. 45, which regulates money-lending in Kenya, is based on the English legislation of 1927. Provision is made for the licensing of money-lenders. The Ordinance requires the money-lender to be licensed in his true name and to carry on business only at his authorized address. There must be a separate licence in respect of each separate address. Before he can be licensed the money-lender must obtain a certificate from a magistrate. This certificate may, on conviction, be suspended, with a consequent disqualification for holding a licence.

S. 3 of the Ordinance gives the court power to reopen a money-lending transaction and to give relief in respect of any sum which is in excess of the amount adjudged by the court to be fairly due by way of principal, interest and charges. S. 14 provides that interest in excess of 48 per cent. per annum shall be deemed to be harsh and unconscionable.

Carriage of Goods by Motor.—Ordinance No. 46 is designed to prohibit, on certain roads in the Colony, the conveyance for reward, by motor vehicles, of goods other than the personal effects of passengers travelling on such vehicles. The object of this legislation is to prevent uneconomic motor competition with the railway. Exception is made in the case of short hauls involving not more than thirty miles in all of a scheduled road. Farm produce conveyed from the farm on which it has been produced to the nearest railway station or siding, municipality or township is also exempted. The Ordinance expires on December 31, 1933, but may be renewed by Proclamation.[1]

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[1] There has been such an extension to December 1934.

King's African Rifles.—Ordinance No. 48 is a comprehensive measure amending and consolidating the law relating to the military force in the Colony. Much of the existing law is re-enacted, together with a number of amendments which the experience of past years has shown to be desirable. In several instances opportunity has been taken to conform with Imperial legislation, notably by the abolition of the death penalty for certain offences.

S. 84 of the Ordinance makes provision for the soldier on completion of his service. The payment of a lump-sum gratuity is substituted for the remission of poll-tax hitherto granted to time-expired men.

Coffee Industry.—Ordinance No. 50 gives effect to representations made by organizations and individuals connected with the coffee industry in the Colony. The Ordinance is designed to promote the advancement of the industry by ensuring that funds shall be available for advertising local coffee, for extending markets for its sale and generally for any purposes calculated to increase its prosperity.

Power is given to constitute a Coffee Board, to impose a levy on all coffee produced in and exported from the Colony and to establish a Coffee Levy Fund. This fund is to consist of moneys paid in respect of the levy, the fees for coffee-dealing licences and such sums as the Legislative Council may vote from time to time. The fund is to be under the control of the Coffee Board and is to be devoted to the promotion of the industry.

The opportunity has been taken to strengthen the control exercisable over the operations of coffee-dealers. The Ordinance embodies the main provisions of the Registration of Coffee Plantations and Coffee Dealers Ordinance (c. 152) which it repeals.

Native Lands Trust.—The Native Lands Trust Ordinance, 1930, is amended by Ordinance No. 51 in regard to the temporary exclusion of land from a native reserve. This legislation is intended to be of a temporary character, as the whole question of leases of land in native reserves is one of the subjects for report by the Land Commission. At the same time, in view of the rapid growth of mining activities in the Colony, it was imperative that immediate steps should be taken to overcome those practical difficulties which were calculated to delay progress in mining.

The importance of developing the valuable resources of Kenya, especially in view of the economic position of the Colony, was such as to call for and justify prompt action.

Under the provisions of the principal Ordinance no mining leases could be granted in a native reserve. It was necessary first to take away the land in question from the reserve and to add to the reserve, by way of compensation, an equivalent area. It happens, not infrequently, where a mining lease of land has been granted for a term of years, that mining operations are abandoned at an early stage. The result, under the principal Ordinance, would then be that the area which was subject to the lease would have been excised from the reserve but would be of no value to the Crown, and an area equal in size would have been added to the reserve and would be deemed for ever to be part of the reserve.

The amending Ordinance seeks to overcome this difficulty. Provision is made for a temporary exclusion of land from a reserve when it is intended to grant a lease for the working of Crown minerals. As the exclusion is to be temporary, power is given to vary the nature of the compensation. It may be paid in money instead of by a compensatory grant of land. The monetary compensation, however, must not be less than that payable in the case of a private owner outside a native reserve who transfers his land to Government in full ownership.

On the final expiration of the currency of the mining lease the land temporarily excluded is to revert to the native reserve.

Non-European Officers' Pensions.—Ordinance No. 53 is in principle a consolidating Ordinance. It makes provision for the pension rights of non-European officers who were in the service of Kenya on April 30, 1932, or who, though transferred to, and still serving in, other public service, were in the Kenya service on or before that date.

2. NYASALAND.

[*Contributed by* H. G. Morgan, Esq., *Acting Attorney-General.*]

Intoxicating Liquor.—Ordinance No. 1 consolidates and amends the law relating to the control, manufacture, sale and supply of intoxicating liquor. The Intoxicating Liquor Ordinance, 1911, and the Intoxicating Liquor (Amendment) Ordinance, 1927, are repealed, but a "saving clause" is included.

Customs.—Ordinance No. 2, which is based on s. 15 of the Finance (No. 2) Act, 1915, as amended by the Finance Act, 1919, permits the Governor to refuse, for a period not exceeding three months, to permit goods in excess of normal requirements to be taken from the King's Warehouse, thus preventing speculation by importers with regard to any new duties which may be imposed.

Deeds of Arrangement.—By an addition to s. 7 of the principal Ordinance, Ordinance No. 3 provides for the compulsory advertisement of the registration of every deed of arrangement.

Public Health.—Ordinance No. 5 amends and consolidates the legislation relating to epidemic and contagious diseases, the notification of infectious diseases and vaccination, and replaces these Ordinances with a comprehensive Public Health Ordinance providing for further matters which affect the public health and which have been found by experience to require legislation to govern them.

Pensions.—European Officers Pensions Amendment, No. 6, by replacing s. 12 of the principal Ordinance, repeals the provision for abatement of pension of a pensioned officer who accepts further public employment in the Protectorate and provides that when an officer so re-employed in a pensionable office finally retires the periods of his service are, for pensions purposes, to be regarded as continuous.

The Civil Servants (Proportionate Pensions) Ordinance, No. 10, legalizes the payment of a proportionate pension to officers who were permitted to retire before completing ten years' service.

The Widows and Orphans Pension (Amendment No. 2) Ordinance, No. 16, ensures that officers compulsorily retired will not suffer disadvantage thereby.

Dangerous Drugs.—Ordinance No. 7 gives effect to the Dangerous Drugs Convention, Geneva, February 19, 1925. It extends the existing legislation (s. 17 of the Sale of Drugs and Poisons Ordinance, 1912) and gives wider power to regulate the production, possession, manufacture, sale and distribution of drugs.

An amending Ordinance (No. 19) amends and amplifies the definition of the word "drug" as contained in the principal Ordinance and gives the Governor power to declare further substances to be drugs.

Trade Unions.—Ordinance No. 9 legalizes trade unions in the Protectorate.

Banking.—Ordinance No. 11 declares Southern Rhodesian bank-notes to be legal tender in place of the notes of the Bank of the Cape of Good Hope and Natal which are now obsolete. Provision is also made for the notes to be dutiable.

Game.—Ordinance No. 12 enables the Governor to prescribe by rules the duration of a visitor's temporary licence and a Protectorate temporary licence.

Registration of Trade Marks.—Ordinance No. 14 introduces comprehensive trade-mark legislation and is promulgated with a view to the attainment of uniformity of such legislation throughout East African Dependencies. The Ordinance follows the form of the Tanganyika Ordinance which is based on the United Kingdom Trade Mark Acts, 1905–19.

Education.—Ordinance No. 15 repeals the provision in the principal Ordinance concerning the compulsory rendering by school managers of an annual return relating to their schools. The return is not now rendered unless called for. Provisions relating to the qualification of teachers are repealed, as adequate safeguards against the employment of unsatisfactory teachers are contained in the Rules.

Registration of Patents and Designs.—Ordinances No. 17 (Designs) and No. 21 (Patents) are analogous in every respect to the Registration of Trade Marks Ordinance, 1932.

Bankruptcy.—By Ordinance No. 22 provision is made for the disposal of interest accruing to the cash balance of the bankruptcy estates account which has been placed on fixed deposit by the Official Receiver.

King's African Rifles.—The King's African Rifles Ordinance, 1928, provided that the African personnel of the force shall be granted exemption from payment of hut tax for life as a reward for services. Ordinance No. 23 repeals such provision in respect of persons enlisting after January 1, 1933, and substitutes in lieu thereof provision for the granting of gratuities and exemption from payment of tax whilst serving with the colours, but enables persons serving on that date to exercise the option of receiving a gratuity in lieu of life exemption.

Motor Traffic.—By Ordinance No. 25 the privileges afforded to motor-cars, licensed in certain parts of Africa, to be used in the Protectorate without being licensed is extended to motor-cars licensed in other countries. The period of visit is left to be fixed by Rules.

Income-tax.—By Ordinance No. 28 contributions to a duly established superannuation or pension fund are made allowable as deductions from chargeable income for the purposes of tax.

Immigration Restriction.—Ordinance No. 29, for economic reasons, raises the deposit which may be demanded of an intended non-native immigrant from £50 to £100.

Destruction of Locusts.—Ordinance No. 30 is necessitated by the invasion, after nearly thirty years of immunity, of large swarms of locusts. It empowers the officers responsible for the destruction of these pests to take such action as they consider necessary.

Licensing.—The object of Ordinance No. 32 is to empower licensing officers to refuse the issue of a licence to undesirable applicants. Provision is also made for the publication of all applications in the *Gazette* to enable the public to lodge objections.

3. TANGANYIKA TERRITORY.

[*Contributed by* Geoffrey Jobling, Esq., *Crown Counsel.*]

Ordinances passed—42.

Non-Native Poll-tax.—Ordinance No. 3 imposes a poll-tax on all non-natives in the Territory. The tax is on a sliding scale payable in respect of all income accruing in, derived from or received in the Territory.

Trades Licensing.—Ordinance No. 4 amends the Trades Licensing Ordinance and provides for the control and regulation of the marketing of native produce. The Ordinance empowers the Governor to declare that the purchase of native produce shall be controlled in any specified area and to grant exclusive trading licences for the purchase in such areas of any particular kind of native produce. The licences may be made conditional on all purchases being paid for in cash.

Co-operative Societies.—Ordinance No. 7 provides for the constitution and regulation of co-operative societies.

King's African Rifles Reserve Forces.—Ordinance No. 15 provides for the raising and maintenance of a reserve force to be known as the King's African Rifles (Tanganyika) Reserve Forces. Enrolment in the Reserve Forces creates a liability to be called out for training each year or in aid of the civil power when necessary and, in the case of hostilities or emergency, to proceed on permanent active service as the Governor may order.

Asiatic Officers' Pensions.—Ordinance No. 21 makes provision for the granting of pensions, gratuities and other allowances to Asiatic officers in respect of service in the Territory, but the application of the Ordinance is limited to those officers who were in the service on March 19, 1930.

Trade Unions.—Ordinance No. 23 provides for the registration of trade unions and declares that the purposes of any registered trade union shall not, merely by reason that it is in restraint of trade, be deemed to be unlawful so as to render members liable to criminal prosecution for conspiracy nor so as to render any agreement or trust void or voidable.

Official Oaths.—Ordinance No. 25 prescribes the oaths to be taken by certain officials in the Territory.

Coffee.—Ordinance No. 27 regulates the licensing of factories and curing works for the treatment of raw coffee. All factories and curing works require to be licensed, but exception is made in the case of those owned by a coffee grower or an association of coffee growers and used solely for coffee grown by the owner or owners.

Shop Assistants.—Ordinance No. 33 regulates the employment of shop assistants and prescribes that their maximum working hours shall not exceed fifty-four hours in any one week.

Public Highways.—Ordinance No. 40 repeals the existing law relating to highways and provides for the declaration, use and control of public highways.

Traffic.—Ordinance No. 41 provides for the control of traffic on highways and for the licensing and taxation of vehicles. It also provides for the licensing of drivers. Special attention has been given to public-service vehicles to provide for the safety of passengers carried by them.

Provision is also made for the recognition and validity in the Territory of licences granted in other East African Territories.

Mining.—Ordinance No. 42 is directed to the control of mining for gold and precious stones in certain areas and empowers the Governor to declare any area a controlled area. Special powers are given to certain officials in controlled areas, of which the most important is the power to expel undesirable persons therefrom subject to the right to appeal to a magistrate.

4. UGANDA.

[It is hoped to publish this Summary in the next *Review*.]

5. ZANZIBAR.

[*Contributed by* A. N. DOORLY, ESQ., *Attorney-General.*]

Industrial Employment.—By the Employment of Women, Children and Young Persons (Restriction) Decree, No. 2, the provisions of the Conventions on this subject accepted by the Imperial Government on behalf of Colonies, Protectorates and Mandated Territories are applied to the Protectorate with such modifications as local circumstances require.

Customs.—By the Customs Management (Amendment) Decree, No. 6, drawback of export duty is allowed in respect of cloves shipped on or before June 30, 1932, to approved vanillin manufacturers or approved clove-oil distillers.

The Customs Tariff Decree, No. 12, introduces specific duties in respect of certain articles in lieu of *ad valorem* duties and also provides for the importation of motor vehicles on the triptyque system.

Forced Labour.—By the Forced or Compulsory Labour (Prohibition) Decree, No. 8, the provisions of an international convention in restriction of forced labour is applied to the Protectorate.

Prisons.—The Prisons Decree, No. 13, repeals the Prisons Decree of 1915 and introduces a law based on more recent developments in prison legislation.

Public Officials' Salaries.—By the Levy on Official Salaries Decree, No. 15, power is taken to impose a levy on official salaries. The levy is imposed as from January 1, 1933.

Native Hut Tax.—No. 22 imposes a tax on native huts in the Town of Zanzibar and provides for the imposition of a similar tax in respect of other parts of the Protectorate by order of the Sultan in Executive Council made with the approval of the Legislative Council.

6. ANGLO-EGYPTIAN SUDAN.

[*Contributed by* THE HON. THE ADVOCATE-GENERAL.]

Ordinances passed—16.

Apart from legislation dealing with the amendment of existing legislation, the most important amendments have been as follows:

Arms, Ammunition and Explosives.—Ordinance No. 1 consolidates various already existing Ordinances relating to arms, ammunition and explosives.

Native Courts.—Ordinance No. 3 repeals and re-enacts with amendments the Powers of Sheikhs Ordinance, 1928, the Village Courts Ordinance, 1925, and the Village Courts (Amendment) Ordinance, 1930.

Sulphur.—Ordinance No. 4 regulates the import, sale and possession of sulphur in the Sudan.

Forests.—The Central Forest Ordinance No. 10 repeals previous Forest Ordinances and provides for the creation and management of central forest reserves.

The Provincial Forest Ordinance No. 11 provides for the creation and management of provincial forests and for divers other purposes relating to forests.

Criminal Procedure.—The most important of the amending Ordinances was the Code of Criminal Procedure (Amendment) Ordinance No. 13, which *inter alia* provides: (*a*) for the placing of persons under police supervision under certain conditions; (*b*) procedure for the making of investigations in cases of sudden or suspicious deaths.

XI. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by the* HON. HECTOR JOSEPHS, K.C., *Attorney-General.*]

There were fifty-six public Ordinances enacted during the year 1932. The principal of these were:

Bill of Entry Tax.—Ordinance No. 8 imposes on every customs bill of entry a temporary tax of 3 per cent. on the value of all goods imported into the Colony.

Legitimacy.—Ordinance No. 14 amends the law relating to children born out of wedlock and is based on the English Legitimacy Act, 1926 (16 & 17 Geo. 5, c. 60). The reference to the prohibition of the legitimation of adulterine bastards has been omitted on the ground that these children were not to be blamed for the misfortune of their birth, and that they should be legitimated by the subsequent marriage of their parents. A mother is given the right of succession to her illegitimate children, who have the same rights in respect of her property as legitimate children.

Powers of Attorney.—Ordinance No. 16 makes statutory provision with respect to the recording of powers of attorney, their effect and their revocation. Prior to the enactment of this Ordinance no statutory provisions with regard to such powers existed other than those contained in s. 18 (1) of the Deeds Registry Ordinance, c. 177, which relates to the deposit for record of powers of attorney in the Deeds Registry.

Petroleum.—Ordinances Nos. 19 and 28 amend the Petroleum Ordinance, 1930, as to the storage of petroleum and other matters. Oil fuel is excluded from the provisions of the Ordinance. The Comptroller of Customs is empowered to allow "ordinary petroleum" which is discharged after 3 o'clock in the afternoon to remain on the wharf at which it was discharged until the morning of the next day. The quantity of petroleum which may be kept anywhere without restriction is limited in the case of ordinary petroleum to 100 gallons and in that of dangerous petroleum to 1 gallon (instead of in quantities of 50 gallons and 8 gallons respectively).

Criminal Justice.—Ordinance No. 21 amends the law with respect to the administration of Criminal Justice, and otherwise amends the Criminal Law. It brings the criminal law of the Colony into line with modern legislation, in particular the Criminal Justice Act, 1925; it also corrects some errors which have appeared in some of the Ordinances relating to criminal law in the revised edition of the laws. A magistrate's jurisdiction in criminal cases is increased from $25 to $100.

By s. 8 where two or more complaints appear to arise out of the same circumstances, irrespective of whether the parties are the same or not, the court may, if it thinks fit, and if the parties consent, hear and determine the complaints at one and the same time. As originally enacted, the hearing of such matters was confined to cross complaints only. Provision is made that on a charge of larceny if receiving or unlawful possession is proved the offender may be convicted of such other offence—subsection (5) of s. 9, and subsection (6) similarly provides for a conviction of larceny or unlawful possession where receiving is charged.

S. 16 relates to the number of the jurors and the deliberations of the jury.

By s. 17 it is provided that where in the opinion of the Attorney-General by reason of the difficulty of communication it is expedient that a preliminary inquiry should be held by a magistrate of a district other than the magistrate of the district having jurisdiction in the matter, he may transfer the holding of the inquiry to the magistrate of such other district. S. 19 empowers the Attorney-General if he thinks that the attendance of any witness is unnecessary to give notice to the accused that the witness will not be called. The accused has the right, however, of calling the witness if he desires. S. 21 is an adaptation of the Sentence of Death (Expectant Mothers) Act, 1931 (21 & 22 Geo. 5, c. 24).

By s. 22 the presumption of law of coercion of a wife by a husband is abolished.

Patents.—Ordinance No. 30 amends s. 32 (7) of c. 62 with respect to patents granted in the United Kingdom, and provides that the grounds upon which exclusive privileges and rights conferred by the certificate have not been acquired include not only the grounds upon which the United Kingdom patent might be revoked, but also include the manufacture, use or sale of the invention in the Colony prior to the date of issue of the patent in the United Kingdom, but do not include the manufacture, use or sale of the invention in the Colony by some person or persons after the issue of the patent in the United Kingdom and prior to the date of the issue of the certificate of registration under subsection (3) of the section.

Designs (United Kingdom) Registration.—Ordinance No. 31 amends s. 8 of c. 61 with respect to the registration of designs in the United Kingdom, and provides that the grounds upon which it may be declared that the exclusive rights and privileges acquired by a certificate of registration may be cancelled, include not only the grounds upon which the United Kingdom registration might be cancelled but also the publication of the design in the Colony prior to the date of registration of the design in the United Kingdom, but do not include the publication of the design in the Colony by some person or persons after the date of the registration of the design in the United Kingdom and prior to the date of the issue of a certificate of registration under s. 5 of the Principal Ordinance.

Life Assurance Companies.—Ordinance No. 39 amends the Life Assurance Companies Ordinance, 1930 (No. 14); it provides that registered friendly societies and registered trade unions shall be exempted from the provisions thereof. The object is to bring local legislation in line with s. 1 of the Assurance Companies Act, 1909 (9 Edw. 7, c. 49) which provides that registered friendly societies and registered trade unions are not subject to the provisions of that Act.

Rice.—The Rice (Export Grading) Ordinance, No. 40, provides that before rice is submitted for grading it should be suitably blended. Blending is defined as the mixing of the total quantity of rice in a specific consignment so that the contents of each individual container are uniform.

The Rice (Export Trade) Ordinance, No. 47, provides for the establishment of a Board with powers to regulate and control the price and exportation of rice produced in the Colony.

Customs Duties.—Ordinance No. 44 amends the principal Ordinance (c. 34) with respect to the rates of duty on brandy, tobacco, wines, wood and timber, rubber boots and shoes and canvas boots and shoes with rubber soles, and hosiery. The Ordinance gives effect to the agreements which were entered into at the Empire Economic Conference at Ottawa in so far as those agreements affect the Colony.

Public Notaries.—Ordinance No. 52 provides for the appointment of notaries and regulates the duties of the office of public notary. The Ordinance gives the Governor power by warrant to appoint any fit and proper person who is a legal practitioner of not less than ten years' standing to be a notary public in the Colony.

Bills of Exchange.—Ordinance No. 56 brings the law governing bills of exchange up to date and is based on the English Bills of Exchange Act (1882), Amendment Act, 1932.

XII. WEST INDIES.

1. BAHAMAS.

[*Contributed by the* HON. HARCOURT MALCOLM, K.C., *Speaker of the House of Assembly*.]

Acts passed—29.

Real Property Tax.—C. 4 re-enacts the Real Property Tax Act (c. 103) with the following changes: (1) Taxable property is that which has a yearly rental value over £30; the tax being 1*s*. 3*d*. for every £1 or fraction thereof. (2) The owner of property must pay the tax at the Treasury. (3) The salary of the Tax Assessor is not to exceed £60 per annum. (4) An itemized return is required to be made to the Legislature every year.

Insurance.—The Insurance Contracts Act, c. 6, permits the Governor in Council to require an insurer to satisfy him that reasonable security will exist to cover any insurance contract other than those of fire or marine.

Agricultural Contracts.—C. 7 requires the incoming owner of any land to fulfil any contract, for not exceeding twelve months, which may have been entered into by the outgoing owner. Agreements must be lodged with the Board. The Act also requires agents and exporters of agricultural produce to be licensed.

Illegitimate Children.—C. 8 provides for the maintenance, by fathers, of illegitimate children.

Penal Code.—C. 10 authorizes the magistrate to order the child of a convicted parent to be committed to the care of a relative or some other fit person named by the magistrate.

Currency Notes.—C. 11 authorizes the Governor, if he satisfies the Secretary of State, to reduce the fixed proportion of the Note Guarantee Fund from one-third to not less than one-fifth.

Arbitration.—By the Arbitration (Foreign Awards) Amendment Act, c. 12, a foreign award is made enforceable either by action or under the Arbitration Act, 1889.

Harbour Dues.—C. 14 reduces the rates, to 1*s*. 6*d*. per ton, charged on cargoes which are re-exported.

Taxi-cabs.—C. 19 requires taxi-cabs to have a number plate different from that of private motor-cars, provides for limiting the number of taxi-cabs and reduces the rates for the conveyance of passengers.

Weights and Measures.—C. 20 standardizes weights and measures to those now in the possession of the Commandant.

2. BARBADOS.

[*Contributed by* C. V. H. ARCHER, ESQ.]

Forty-one Acts were passed during the year 1932. Of these the most important are the following:

Nurses.—No. 1 provides for the registration and better training of midwives and nurses for the sick and regulates their practice.

Veterinary Surgeons.—No. 9 provides for the registration of qualified Veterinary Practitioners.

Wills.—No. 14 brings the local law with respect to wills into line with the law obtaining in England on the passing of the Wills Act, 1837, other portions of this Act having been already adopted in 1891.

Passports.—No. 21 prohibits the landing in this Island of persons without the production of passports or other satisfactory evidence of identity.

Juvenile Offenders.—No. 22 consolidates and amends the law relating to proceedings concerning juvenile offenders and endeavours to effect the disposal of cases against such offenders in a simple manner, and to prevent contact between juveniles and adult criminals.

Domestic Servants.—No. 25 removes domestic servants from the operation of the Master and Servant Act, 1891, which provided for the imposition of penalties on summary conviction for breaches thereof and compels magistrates on convicting all other classes of servants to allow time not exceeding one month for payment of the penalties.

Dangerous Drugs.—No. 34 gives effect to the International Convention for limiting the manufacture and regulating the distribution of narcotic drugs signed at Geneva on July 13, 1931.

Trade Agreements.—No. 35 implements the trade agreements arrived at at Ottawa in 1932.

Bodies Corporate.—No. 41 enables bodies corporate to hold property in joint tenancy.

3. JAMAICA.

[It is hoped to publish this Summary in the next *Review*].

4. WINDWARD ISLANDS.

(i) GRENADA.

[*Contributed by the* HON J. H. JARRETT, *Attorney-General.*]

During the year 1932 nineteen Ordinances were enacted, of which the most important were the following:

Public Lotteries.—Ordinance No. 4 is drafted on the lines of the British Guiana Prevention of Gambling Ordinance, and is passed to control the holding of public lotteries and to provide for the raising of revenue therefrom. There is a general prohibition of all lotteries with a power reserved to the Governor in Council to exempt certain lotteries from the operation of the prohibitive clauses, *i.e.* lotteries organized and controlled: (*a*) by any racing club in connexion with any race meeting held in the Colony, or in connexion with a particular race run at such meeting, or elsewhere; or (*b*) by any properly constituted football, cricket or other sports club in the Colony, in support of the funds of any such club; or (*c*) by any association, committee or body of persons corporate or not for charitable purposes.

There is provision also for raising, levying and collecting on every ticket sold, or issued in connexion with an approved lottery a stamp duty as set forth in a Schedule to the Ordinance.

Official Emoluments Levy.—Ordinance No. 14 follows generally the Gold Coast enactment of 1932 and imposes a temporary levy on the emoluments of every officer in the public service of the Colony in respect of more than £12 per annum. The Ordinance does not affect pensions and gratuities.

Roads.—Ordinance No. 19 constitutes and establishes a Central Road Authority in which is vested all matters appertaining to rivers and canals, roads and road transport and the financing of the roads from a road fund. The authority is responsible for the maintenance and improvement of existing roads; for the construction and reconstruction of new roads; for the control of traffic, etc., on all roads and for the protection of bridges, rivers and canals.

(ii) SAINT LUCIA.

[*Contributed by* J. E. M. SALMON, ESQ.]

Ordinances passed—9.

Animals.—No. 9 amends the Animals Trespass Ordinance, No. 15 of 1916 Revision, by increasing from five to fourteen days the delay for filing an action against the distrainor.

Police.—No. 3 amends the Police Ordinance, No. 77 of 1916 Revision, by repealing s. 29, by which dues arising from stoppage of pay were to be paid into the Treasury. No. 30 of 1933 now provides for a Police Fines Fund controlled by the Governor and distributable subject to his approval.

No. 8 amends the Police Pensions Ordinance, No. 1 of 1931, by including for pension the services in the Windward Islands of non-commissioned officers and men of the force, if they have served for a period of at least twelve months in the Colony.

Steam Boilers.—No. 1 provides for the examination, licensing and safety of a steam boiler in any factory, workshop, railway, ship or vessel, or on any fire engine, road roller, or other type of road locomotive. Imported boilers must be accompanied by test certificates from their place of manufacture.

Revenue.—No. 4 amends the Customs Duties Ordinance, No. 11 of 1931, by requiring the calculation of the *ad valorem* duty on imports to include all charges on such goods up to the time of arrival in the Colony (c.i.f. values). Coal baskets and containers for export of agricultural products are to pay on their f.o.b. values at port of shipment. It also amends the schedule of duties to No. 6 of 1928 and No. 4 of 1929.

No. 7, Customs Duties Amendment, No. 2 (now replaced by No. 23 of 1933), amends the schedule of duties to Nos. 6 of 1928, 4 of 1929 and 4 of 1932.

No. 6 amends the Rural House Tax Ordinances, Nos. 121, 1916 Revision, and 15 of 1931. It provides for the *Gazette* publication of the assessment lists, for objections to, and appeals from, assessments. It also provides forms; applications for relief are to be made to the Governor, not to the magistrate.

(iii) ST. VINCENT.

Twenty-six Ordinances were passed by the Government of St. Vincent in 1932. Many of these had reference to Taxation.

Revenue.—There were four Customs Duty (Amendment) Ordinances, two Licences (Amendment) Ordinances, an Export Duties Ordinance amended in the same year, a Stamp (Amendment) Ordinance, a Land and House (Additional) Tax Ordinance, a Supplementary Appropriation Ordinance in addition to the Appropriation Ordinance 1930, and an Appropriation Ordinance for 1933. These are mainly of local interest only, but one remarks in the Export Duties Ordinance (No. 21), the existence of a Produce Export Prices Committee upon which sit merchants and planters and which fixes the prices on which export duty for any of the scheduled produce is for the time being to be calculated to arrive at the amount of the deposit to be paid when no price is obtained at the date of export.

Public Service Salaries.—The Official Emoluments Levy Ordinance (No. 16) imposes a temporary levy upon the emoluments of every officer in the public services, including the Governor and, be it specially mentioned, the Chief Justice. The total amount of the deduction, calculated on a schedule, is not to amount to more than 10 per cent. of the annual emoluments of the officer.

Land Settlement.—The Land Settlement Loan Ordinance (No. 12) authorizes the Governor in Council to borrow up to £6,600 for the purpose of acquiring land for settlement.

Diseases of Animals.—The comprehensive Importation of Animals (Diseases Prevention) Ordinance (No. 11), repeals the Cattle Diseases Prevention Act. It has a wider scope than the Short Title indicates, and includes powers for the proclamation of infected areas within the Colony, and the powers of the Agricultural Superintendent therein.

Public Lands.—The Public Lands and Buildings Ordinance (No. 5) vests in the Governor certain Crown property in accordance with an agreement with the Crown, effected in 1890 subject to an obligation on the Colony to provide free accommodation for His Majesty's troops in occupation. An earlier Ordinance of 1926 is repealed.

Patents and Designs.—An amendment (No. 9) to s. 4 of the Registration of United Kingdom Patent Ordinance (c. 156), specifies an additional ground upon which exclusive privileges and rights conferred by the certificate have not been acquired. The United Kingdom Designs (Protection) Ordinance (No. 10) makes a similar provision as to designs. These amendments are similar to Ordinances Nos. 30 and 31 of British Guiana.[1]

Arbitration.—The Arbitration Clauses Protocol Ordinance (No. 25) makes provision for giving effect in St. Vincent to the Protocol on

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[1] See p. 169.

Arbitration Clauses of 1923. The Arbitration (Foreign Awards) Amendment Ordinance (No. 24) is mainly devoted to the same purpose.

Fruit.—A new Exportation of Fruit Ordinance (No. 1) provides for fruit for export being packed at the Government Bureau, and contains provisions for securing the quality of the fruit packed.

5. TRINIDAD AND TOBAGO.

[*Contributed by* L. H. WHITEHEAD, ESQ.]

The following Ordinances were passed during the year 1932:

Copra Products (Control.)—Ordinance No. 1 provides for the control of the manufacture and sale of "copra products" (edible oil, lard substitute and laundry soap and such other products as may be proclaimed). *Inter alia* manufacturers are to be licensed, an excise duty is payable on the quantity of products manufactured, and power is given to the Governor to fix standards of quality and maximum wholesale and retail prices.

Customs Duties.—Ordinance No. 2 alters the mode of ascertaining *ad valorem* duties on imports. The value of the article imported is to be the c.i.f. price, plus the value of the packing material.

Workmen's Compensation.—Ordinance No. 5 provides for the transfer of jurisdiction from the commissioner to the judges of the Supreme Court.

Malaria Abatement.—Ordinance No. 6 gives power to enter on land for the purpose of improving and maintaining in good order drainage channels and filling in or draining swampy areas. The cost of work under the Ordinance is to be paid from general revenue.

Capital Sentences.—The Sentence for Capital Offences (Expectant Mothers) Ordinance, No. 7, follows the Imperial Act 21 & 22 Geo. 5, which provides that where an expectant mother is found guilty of a capital offence she shall not be sentenced to death, but to imprisonment for life.

Stamp Duty.—Ordinance No. 8 exempts from duty debentures issued in the Colony under local loan Ordinances and instruments relating to the sale or transfer thereof.

Judicature.—Ordinance No. 9 extends the general jurisdiction of the Supreme Court of the Colony by conferring upon it jurisdiction to decree the dissolution of marriages.

Opticians.—Ordinance No. 10 provides for the registration of sight-testing opticians. A registration board is created and a register of opticians is to be kept. No unregistered person may practise sight-testing or carry on business as an optician or recover fees or charges by process of law. The following classes of persons may be registered, viz.: 1. those qualified to practise sight-testing in the United Kingdom, 2. those holding diplomas (British or foreign) accepted by the Board, 3. those domiciled in the Colony for five years and during that time *bona fide* engaged in the practice of sight-testing in the Colony who pass the examination arranged for by the Board.

Vexatious Actions.—Ordinance No. 12 follows s. 51 of the Imperial Act 15 & 16 Geo. 5, c. 49, which restricts the institution of vexatious legal proceedings.

Real Property.—Ordinance No. 13 re-enacts s. 71 of the principal Ordinance (c. 160) so as to enable a lessor to have cancelled by endorsement on the certificate of title an encumbrance by way of lease if he satisfies the Registrar that the lease has expired. Previous to this amendment a formal deed of discharge was necessary.

Customs and Excise Duties.—Ordinance No. 14 provides an expeditious method of increasing customs or excise duties. An Order made by the Governor in Executive Council, and the new rates become effective on publication of the Order in the *Royal Gazette*. Within twenty-one days the Order must be laid before the Legislative Council, which may confirm, amend or revoke it. If the Order is not submitted to the Legislature within the twenty-one days it expires.

Trade Unions.—Ordinance No. 20 provides for the formation, registration, rights, powers and control of trade unions.

Dangerous Drugs.—Ordinance No. 21 follows the Imperial Dangerous Drugs Act, 1932.

Constabulary.—Ordinance No. 23 follows s. 44 of the Imperial Criminal Justice Act, 1925, which gives a constable power to execute a warrant of arrest although the warrant is not in his possession.

Sale of Produce.—Ordinance No. 26 includes, for the protection of the fruit-growing industry, oranges, grape-fruit and lemons in the definition of " produce " in the principal Ordinance. Powers of arrest and search are given by that Ordinance in connexion with the conveyance of produce.

Commissions of Inquiry.—Ordinance No. 27 provides that a person whose conduct is the subject of or is likely to be affected by a commission of inquiry has a right to be represented by counsel.

Deeds of Arrangement.—Ordinance No. 28 follows the Imperial Deeds of Arrangement Act, 1914.

Savings Bank.—Ordinance No. 32 provides that where a deposit exceeds £500, the interest on the excess shall be at such rate as the Governor in Executive Council may direct.

Trustee (Infants' and Absentees' Property).—Ordinance No. 33 concerns the property of infants and absentees acquired under a will or intestacy, and gives power to appoint trustees and authorizes the application of the income from the trust properties towards the maintenance of the infant during minority, the accumulation and investment of the surplus revenues, also the power to apply capital for the advancement of the infant subject to certain specified restrictions.

Licensing of Vehicles.—Ordinance No. 37 extends to all classes of vehicles the provision allowing a proportionate reduction of duty when the licence is taken out in the second or a subsequent quarter ; provides for the issue of permits to use motor-lorries over five tons maximum gross weight (*i.e.* combined weight of chassis, body and load) ; provides for the collection of duty on fractional parts of a ton on certain vehicles.

Imperial Treasury War Loan (Repayment).—Ordinance No. 38 gives authority to borrow £422,892 for repayment of moneys lent to the Colony by the Imperial Treasury during the War.

Bankers' Licences and Bank-notes Duties.—Ordinance No. 40 alters the duty on bankers' licences ; provides for payment of an annual duty of £1 per cent. on notes in circulation.

Cinematograph (British Films).—Ordinance No. 41 gives effect to a resolution of the West Indies Committee to secure exhibition of British films. The requisite percentage for British news films is 50, whenever news films are exhibited, and for other films the annual percentage will be 20 for 1933 and 25 in subsequent years. Exhibitors of films must be licensed. The Governor in Executive Council may by regulation provide that part (not exceeding 5 per cent.) of the percentage of British news films shall be apportioned to the exhibition of British West Indian films.

Moneylenders.—This Ordinance (No. 42) is based mainly on the Imperial Moneylenders Act of 1927, subject to necessary modifications—particularly the fixing of definite rates of interest and to amendments necessitated by local conditions. "Moneylender" is defined to be any person whose business is that of moneylending or who advertises or holds himself out in any way as carrying on that business. Moneylenders as defined by the Ordinance must obtain from the Treasury an annual licence for which a fee of £1 is payable. In order to be qualified for a licence the moneylender will be required to secure from the magistrate of the district in which he is to carry on his business a certificate authorizing the grant of a licence. The magistrate can refuse a certificate only on certain specified grounds which are based mainly on the character of the applicant and of his proposed manager. A magistrate's certificate must also be obtained to enable a transfer of the business to other premises. A certificate or a licence is liable to suspension or cancellation. Every moneylending transaction must be duly recorded by a note or memorandum in writing signed by the borrower containing all the terms of the contract.

The maximum rates of interest to be charged by licensed moneylenders are definitely fixed and vary according to the amount loaned from 60 per cent. per annum on sums of £5 or less, decreasing to 24 per cent. per annum on sums exceeding £20. Any attempt by the moneylender to charge excessive interest will entail a penalty of £50, part of which will be paid to the informer. Stringent provisions are made to ensure that the borrower will not be required to pay any charges besides the fixed rate of interest (except those allowed by the Ordinance or a court) nor any canvassers' or agents' commissions. Moneylenders are to keep proper account books, to furnish receipts and supply to a borrower necessary information as to the state of the loan from time to time.

Moneylenders' advertisements are restricted. Where a debt is assigned by a moneylender, he must give full particulars of the loan to the assignee, and *bona fide* assignees are protected.

Courts of law are granted power to reopen and inquire into transactions where excessive interest has been charged and to grant relief. It is made an offence for anyone to induce another to borrow money through dishonest means or false representations; and informers are penalized for compounding an action.

Moneylenders are protected against frivolous or vexatious actions and prosecutions and the court may order compensation not exceeding £5 to be paid to the moneylender by the offender.

The Ordinance does not apply to bankers, friendly societies, agricultural credit and co-operative societies, building societies, corporate bodies empowered by special Ordinance to lend money, persons or bodies corporate exempted by the Governor in Executive Council.

XIII. MEDITERRANEAN.

1. GIBRALTAR.

[*Contributed by* H. RALPH HONE, ESQ., M.C., LL.B., *Attorney-General.*]

Ordinances passed—21.

Arbitration (Foreign Awards).—Ordinance No. 3 was enacted to give effect in Gibraltar to the Geneva Convention on the execution of Arbitral Awards and follows the Imperial Act, 20 Geo. 5, c. 15.

Pensions.—This Ordinance (No. 5) enacts comprehensive legislation to regulate the pensions of public officers in the service of the Gibraltar Government and follows very closely the latest model Ordinance approved by the Colonial Office for Colonial pensions. It is worthy of note that this Ordinance retains the provisions for enhanced pensions for certain officials possessing professional qualifications.

Employment of Women and Children.—Ordinance No. 16 gives legal effect in Gibraltar to the International Conventions fixing the minimum age for the admission of children to employment at sea and in certain industries and regulating the night work of women in industry.

Interpretation.—This Ordinance (No. 18) enacts in improved and amplified form the provisions of the Gibraltar Interpretation Order in Council, 1888, which was revoked by Imperial Order in Council upon the coming into force of the local Ordinance.

Revenue.—Ordinance No. 19 is a consolidating measure incorporating in one enactment the law relating to the importation of dutiable goods, the granting of licences and the collection of fees in Gibraltar. By the enactment of this Ordinance it was possible to repeal no less than twelve existing measures.

Stamp Duties.—Ordinance No. 21 is a comprehensive measure providing for the levying of Stamp Duties and follows very closely the provisions of the Imperial Act, 54 & 55 Vict., c. 59, as amended from time to time in the United Kingdom.

2. CYPRUS.

[*Contributed by the* HON. N. PASCHALIS, K.C., *Acting Attorney-General.*]

During the year 1932 seventy-two Laws were enacted, of which the most important were the following:

Trade Unions.—No. 1 provides that trade unions shall not be criminal associations or unlawful for civil purpose, and stipulates their compulsory registration.

Customs, Excise and Revenue.—No. 2 increases the specific duties on petrol, benzine and sugar and reduces the specific duty on wheat. No. 7 gives power to the Governor in Council to make regulations providing for the grant or payment of drawback with respect to certain imported goods, wares or merchandise, which are subsequently exported from the Colony after modification thereof by local industry. No. 22 imposes an export duty at the rate of one shilling and three copper piastres per oke upon silk cocoons which have been produced in Cyprus. The Governor in Council is empowered to abolish it at any time. No. 30 effects certain alterations in the customs tariff, designed to protect local industries or products. It makes provisions for the exemption from import duty of prizes won abroad or sent by donors resident abroad. The prizes imported by donors resident in Cyprus are liable to the payment of import duty. No. 42 provides that the privileges granted to municipal councils to import certain goods free of duty shall operate only in respect of goods which are of Empire origin. No. 43 increases the duties upon wines, spirits, beer and tobacco. All medicines, with the exception of quinine, have been made subject to an *ad valorem* duty of 15 per cent., as difficulties have been experienced under the existing tariff in distinguishing between the kinds of medicine that are and are not duty free. The increased duty on soap other than perfumed or toilet has been imposed with a view to protect the local soap industry. No. 51 increases the Imperial preference rates upon butter, cheese, timber and tinned fish.

Communication with Vessels.—No. 9 gives increased power to prevent undesirable persons (particularly the crew of certain vessels) from landing in the Colony or communicating with other persons therein.

Special Constables.—No. 12 provides for the enrolment of special constables with the powers of police to act as an auxiliary force in times of disorder.

Midwifery.—No. 14 ensures that in due course trained midwives only will be allowed to attend confinements.

Employment of Women during the Night.—No. 15 gives effect to the International Convention with regard to employment of women during the night in industrial undertakings.

Employment of Children and Young Persons.—No. 16 repeals all the laws on the subject and gives full effect to the International Convention with regard to the minimum age for the admission of children to industrial employment and to employment on vessels and the night work of young persons employed in industry.

Quarantine.—No. 17 repeals the Quarantine Law, 1879, and the Disease Prevention Law, 1883, and brings the laws of the Colony relating to quarantine into line with modern requirements.

Immoveable Property Tax.—No. 18 provides for the payment of an immoveable property tax at a fixed rate and abolishes the tax hitherto known as Verghi Kimat.

Charities.—No. 29 facilitates the incorporation of charities by reducing to a nominal amount of ten shillings the present fee of fifty pounds charged for every certificate of incorporation.

Newspapers, Books and Printing Presses.—No. 32 enables the Government to reply to ill-informed criticism and misstatements of fact appearing in the public press, and ensures that government pronouncements on matters of policy and general importance will have the widest publicity. It gives power to the Governor in Council to prohibit importation and circulation of newspapers of an undesirable character.

Criminal Code.—No. 34 makes it clear that any agitation in the press, or otherwise, having as its object the union of Cyprus with a foreign State is illegal, and that any body of persons advocating the severance of the British connexion is an unlawful association. It creates the offence of infanticide and enables the courts to pass a lesser sentence than a capital one on a woman who has destroyed her newly-born child.

Civil Wrongs.—No. 35 provides a code of civil wrongs. Although it substantially follows the English principles, it may be noted that its provisions differ from the English law in the following respects: (*a*) No right of action for defamation by spoken words (slander) is given, as it was thought that such a right was unnecessary in the Colony and unsuited to local conditions; (*b*) no right of action is given for assault or battery, as the Criminal Code treats assaults as crimes; (*c*) no right of action is given for seduction or criminal conspiracy; (*d*) negligence has been treated as a substantive wrong and damage caused by dangerous things and their escape, fire and animals are treated as a branch of that wrong; (*e*) no right, apart from nuisance and negligence, is given in respect of the support of immoveable property; (*f*) the periods of "limitation" in various cases have been changed and simplified; (*g*) the owner and occupier of immoveable property are made jointly liable for injuries to persons not upon the property by defects therein, but are given, as between themselves, a right of contribution where any agreement exists as to the repair of the property; (*h*) an arbitrary age of 18 is imposed as the age of majority, as the age of majority varies in the Colony among different classes and for certain purposes.

Flags.—No. 41 makes provisions whereby the exemptions are amplified in such a manner as to make it clear that the Flags (Prohibition) Law, 1931, is not designed to interfere with or curtail the flying of flags on warships or aircraft of foreign States or on merchant vessels or aircraft in accordance with international comity or mercantile usage.

Dangerous Drugs.—No. 53 provides for the application to the Colony of the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs signed at Geneva on July 13, 1931, as soon as the Convention is ratified.

Assemblies, Meetings and Processions.—No. 54 repeals the Public Processions Laws, 1921 to 1930. It divides public gatherings into two categories, the first comprising processions and political and athletic meetings, the second any other gathering held in public. A permit is required in the case of processions and is *a fortiori* necessary in connexion with political and athletic meetings, for experience has shown that politics in Cyprus have in the past been too often synonymous with sedition, while athletic meetings are not infrequently an occasion for inciting seditious outbursts. No permit is required for the holding of other kinds of meetings, but powers are given to the Commissioner of the District to prohibit the holding of any particular gathering which is likely to be seditious or disorderly. In order to strengthen the hands of Government in times of disorder the Governor is empowered to prohibit meetings either generally or at certain times or places.

Rural Constables.—No. 62 gives to village commissions (*a*) power to appoint and dismiss, subject to the approval of the Commissioner of the District, rural constables for their villages; (*b*) jurisdiction to hear and determine claims, and award damages, in respect of trespass or damage by animals when the amount of claim does not exceed two pounds. The village commissions are empowered to fix the monthly salary of rural constables, which shall not be less than £2 if rural constables are not required to keep a horse, or £2 10*s*. if rural constables are required to keep a horse. The amount required for the payment of the salary of rural constables, and the rent and cost required for providing a pound for animals which may be impounded under the law, are to be assessed in each year by the village commission on the occupiers of any land, vineyard, trees or water in the village and the owners of any flock of sheep or goats therein in proportion to their produce or estimated produce in the year to which the assessment relates. It provides that the amount appearing in an assessment list shall be collected and recovered in the same manner as government taxes are collected and recovered. It gives power to the Governor to direct that a contribution out of the Public Revenue of the Colony be made in any year in part payment of the salary of any rural constable, thus enabling the Governor to utilize in part payment of the salaries of rural constables an annual sum of about £10,000, which approximately corresponds to the proceeds from a tax on matches imposed in 1923 when: (*a*) the power to appoint rural constables was taken away from village communities and placed in the hands of the Chief Commandant of Police, and (*b*) the salaries of rural constables were made a charge on the Public Revenue of the Colony.

Poundage fees payable on animals impounded under the law are to be paid into the Public Treasury of the Colony and be credited to the account of the village concerned, and they shall be applied in payment or part payment of the salary of the rural constables of the village in such manner and at such times as the Commissioner of the District may determine. The law effects a saving in public expenditure by transferring the greater part of the cost of rural constables from public funds to the villages.

Levy on Salaries.—No. 63 enables a temporary levy to be imposed by an Order of the Governor in Council upon the salary of every person employed by the Government irrespective of the tenure or contract under which he holds his employment or post. It makes it clear that the levy is a temporary one, and that the value of emoluments for pension purposes is not to be affected thereby.

Foreign Tribunal Citation.—No. 65 makes provision for the service of documents issuing from countries with which Civil Procedure Conventions have been concluded.

Seditious Publications.—No. 68 defines the expression "seditious intention." It makes it obligatory on the court to issue a prohibition order as soon as the publication is proved to be seditious. It also makes it obligatory for the delivery up to the police of the prohibited publication as soon as the prohibition order has been published in the *Cyprus Gazette.*

Imports Municipal Toll.—No. 69 safeguards municipal revenues by imposing an imports municipal toll on certain goods in lieu of the municipal fees, storage fees and tolls hitherto leviable thereon by municipal councils. The imports municipal toll will be collected upon importation by officers of the customs, and the proceeds thereof shall, after deducting therefrom 7½ per cent. as costs of collection, be paid over to certain municipal corporations in proportion to the amounts received by them for the years 1928 to 1931 in respect of fees and tolls on such goods. It makes provision for the appointment of stores by municipal corporations for the storage of petroleum, matches and German tinder and it gives power to the Governor to direct that the imports municipal toll payable to a municipal corporation should be paid into the Public Revenue in case of neglect of such municipal corporation to appoint stores.

Tax Collection.—No. 70 repeals the Tithe and Tax Collection Law, 1882, and provides for a more economical scheme for the collection of taxes by simplifying the process of collection and doing away with some of the unnecessary and cumbersome provisions obtaining under the repealed law. The collections of taxes will be carried out by the Department of the Comptroller of Customs and Inland Revenue, and instead of the formal Mejlis Idaré warrant the Comptroller's warrant will be the authority under which taxes and duties will be collected. Power has been given to the Comptroller to order that taxes and duties due by persons residing in a town or within three miles thereof, instead of being collected by a tax collector shall be paid at some place within the town. After the lapse of a certain period such taxes and duties as may be unpaid shall be collected by a tax collector together with an additional amount as may be ordered by the Governor not exceeding 5 per cent. of the amount due in respect of such tax or duty by the person concerned.

Indemnity.—No. 71 indemnifies the Governor and all persons acting under him in respect of acts, matters or things in good faith advised, commanded, ordered, directed or done for the maintenance of good order and government or for the public safety of Cyprus between October 21, 1931, and December 31, 1932.

Public Officers' Protection.—No. 72 follows the lines of similar legislation in force in the United Kingdom and elsewhere and affords a measure of protection to public authorities against legal proceedings by prescribing a period of limitation and by giving them the right to tender amends.

3. MALTA.

[*Contributed by* C. J. Colombos, Esq., LL.D.]

Acts passed—12; Ordinances passed—19.

The Malta (Temporary Government) Order in Council, 1930, was repealed in June 1932 and effect was again given to legislation by Acts of the Maltese Parliament.

Industrial Protection.—Act No. 10 amends the Jewellers' Ordinance, 1920, and makes it lawful for the Head of the Government to prohibit, in the interests of the local industry, the export of gold either in "dust, ingots, broken pieces, coins, manufactured articles or in any other form."

Administration of Justice.—The Laws of Organization and Civil Procedure (Amendment) Act, No. 11, deals with the use of the English language in the Maltese courts. After reiterating the principle that the language of the courts is Italian, the Act empowers a judge and other judicial officers to conduct the legal proceedings in English whenever a party specifically declares that he does not possess a sufficient knowledge of the Italian language to understand proceedings carried on in that language.

Telephones.—Act No. 12 provides for the establishment and control as a government monopoly of telephonic communications.

Repealing Legislation.—In view of the doubts existing as to the validity of certain legislation passed in 1929,[1] Governor's Ordinances Nos. 5 and 11 repeal the Electoral and Press Acts, 1929, and re-enact the laws previously in force.

Criminal Procedure.—Ordinance No. 16 amends the criminal laws regarding the use of languages in penal proceedings and, after reciting that the Italian language shall be the official language of the Maltese courts, provides that an "English-speaking" person or a "Maltese-speaking" person who has not a sufficient knowledge of Italian shall have the right to make to the court an express declaration to that effect and thereafter the proceedings shall be carried on in English or Maltese, as the case may be. Where no such express declaration is made, the proceedings are to be conducted in the official language of the courts.

Criminal Law (Seditious Offences).—Ordinance No. 19 prohibits the importation, possession and distribution of seditious matter and, generally, proceeds on the lines of English law with respect to the suppression of sedition in Malta.

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[1] See *Journ. Comp. Leg.*, Third Series, vol. xiii, pt. iii, p. 161.

XIV. MIDDLE EAST.

1. PALESTINE.

[*Contributed by* F. M. GOADBY, ESQ., D.C.L.]

Fifty Ordinances were promulgated in 1932. Few of these are of very general interest; very many merely amended previous enactments in certain slight respects in which the former provisions had been found defective. Such were the Passport (Amendment) Ordinance, amending the principal Ordinance of 1925; the Sewerage and Drainage (Amendment) Ordinance, amending the principal Ordinance of 1930; the Succession (Amendment) Ordinance, amending the principal Ordinance of 1923; the Courts (Amendment) Ordinances, amending the principal Ordinance of 1924; the Protection of Cultivators (Amendment) Ordinances (Nos. 16 and 30), amending Protection of Cultivators Ordinance, 1929,[1] and the Imprisonment for Debt (Amendment) Ordinance, amending the principal Ordinance of 1931.

Official Secrets.—Ordinance No. 18 repeals the earlier and inadequate Ordinance of 1920 and makes complete provisions as to the disclosure of official secrets. The Ordinance reproduces with a somewhat different arrangement the provisions of the Official Secrets Act, 1911, as amended by the Official Secrets Act, 1920. It was itself amended by Ordinance No. 32 of 1932.

Seditious Offences.—The Criminal Law (Seditious Offences) (Amendment) Ordinance, No. 43, amends the earlier Criminal Law (Seditious Offences) Ordinance, 1929. The most important change consists in the insertion of two clauses, (*a*) raising a presumption of seditious intention from words which by inference, suggestive allusion or implication are likely to have the effect of promoting sedition, (*b*) authorizing the prosecution to prove that the defendant has on other occasions published words having a seditious intention. It is also now provided that in a prosecution for publishing false news, ignorance that the news was false shall be no defence, unless the defendant proves that prior to publication he took reasonable measures to verify its accuracy.

As is the case with other Criminal Law Ordinances promulgated in recent years in Palestine, the Seditious Offences Ordinance in its amended form is incorporated in the draft Criminal Code Bill published in the *Palestine Official Gazette*, June 6, 1933.

Coroners.—Ordinance No. 13 amending the Coroners Ordinance of 1926 takes away from coroners the power to commit for trial, and makes further provision as to the proceedings at an inquest where a charge before a magistrate's court is in progress.

Land Disputes.—An interesting attempt to check the land disputes which are a constant source of trouble in Palestine is made by Ordinance No. 12, termed the Land Disputes (Possession) Ordinance. A District Commissioner if satisfied that "a dispute likely to cause a breach of the peace exists concerning any land or water" may order the parties to attend before him and "if possible" decide whether any and which of the parties was in actual possession or would but for recent violence have been in actual possession of the subject of dispute.

If the Commissioner is able to arrive at such a decision he may make an order putting the party in possession. Such an order prevents alienation until a competent court has determined the rights of the parties. If the Commissioner decides that none of the parties was in actual possession or is unable to decide which of them was so, he appoints a manager until the rights have been determined. There are many ancillary provisions. A similar procedure is established in cases where a dispute likely to cause a breach of the peace has occurred with reference to rights of grazing, watering, irrigation, fishing, etc. If a local inquiry is desirable, the District Commissioner may adopt that means of informing himself by deputing a public officer for the purpose.

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[1] These have since been repealed by Protection of Cultivators Ordinance, 1933.

Methylated Spirits.—Ordinance No. 11 (Methylated Spirits Ordinance) regulates the methylating of spirits and makes provision for licences and permits on familiar lines.

Locusts.—Ordinance No. 4 (Locusts' Destruction Ordinance) authorizes District Commissioners to appoint locust area officers to take charge of all measures for the destruction of locusts and locust eggs. This officer is to be assisted by a local commission constituted by the District Commissioner. Powers are conferred upon the locust area officers and upon the local commissions to deal with the locust plague. These include powers of entry for the locust officer and stringent powers of requisitioning persons and vehicles and implements on the part of the local commission. The Ottoman Provisional Law of A. H. 1328 is to cease to have effect.

Customs.—A Customs (Amendment) Ordinance and six Customs Tariff (Amendment) Ordinances, Nos. 7, 9, 15, 17, 19 and 27, amend the law relating to customs and make numerous changes in customs duties.

Telegraphic Press.—Ordinance No. 41 (Telegraphic Press Messages Ordinance) prohibits the publication by unauthorized persons of telegraphic messages which have been received and published in Palestine. The protection extends to 72 hours from the date of first publication.

2. 'IRAQ.

[*Contributed by* H. I. Lloyd, Esq., O.B.E., M.C., *President of the Law Courts, Basrah.*]

During 1932 seventy-five Laws and Ordinances were passed, and forty-eight Regulations issued. The special bench to interpret obscurities in the text of the law was convened on four occasions.

A number of laws and regulations were occasioned by the change of the currency from rupees to dinars. These are not separately dealt with. Budget Laws and Regulations relating to Land Taxes are also omitted.

Advocates.—Regulation No. 2 requires advocates when appearing in court to wear robes.

Aerated Water Factories.—Regulation No. 47 requires a licence to be obtained before opening or building a factory for the manufacture of aerated water. The nature of the building, the quality of the water used and the sanitary arrangements required are laid down in detail. The use of saccharine is permitted up to a maximum of 10 centigrammes per bottle. The owner of the factory is made liable for any contravention of the Regulation made by an employee.

Agriculture.—Law No. 23 authorizes the restriction of the cultivation of rice in certain provinces in order to economize water. Any person who cultivates rice in excess of the area authorized shall be liable to a fine of Rs. 20 per mishara ($\frac{5}{8}$ of an acre) and the cultivation must be discontinued, a similar penalty being provided for continuance of cultivation after each conviction for contravening this law.

Law No. 67 gives power to the Minister of Economics and Communications to assign areas where only special varieties of wheat supplied by the Agricultural Department can be sown. The seed will be supplied in the first instance free, but the cultivator will have to repay it in kind or cash at harvest time. Penalties are provided for cultivating other varieties of wheat in the areas assigned for these experimental varieties, for using the seed issued by Government for purposes other than sowing; for mixing other varieties of seed with the approved seed and for instigating or influencing other cultivators to contravene this law.

Aeroplanes.—Regulation No. 3 prescribes a special allowance per kilometre for officials who possess private aeroplanes for use on official duties.

Armenian Orthodox Community.—Regulation No. 9 lays down the manner of electing the Head of the Armenian Orthodox Community; its Spiritual and Lay Councils, Church Representatives and the Church Assembly; defines their respective duties and powers and the manner in which they are to carry them out. The Spiritual Council has to assemble once a week as a religious court, and the President and members when acting in that capacity are to be considered public officials.

Arms.—Law No. 47 amends the Arms Proclamation of 1919. It authorizes the Minister of Interior to issue with reduced fee or without fee licences to carry or possess firearms (*a*) in specified areas or (*b*) to a particular class of persons or (*c*) in regard to particular kinds of firearms.[1] Art. 3 specifies the persons who are entitled to possess firearms without obtaining licences. These include "members of foreign forces maintained in 'Iraq in accordance with a treaty concluded with the 'Iraq Government."

Regulation No. 4 prohibits the importation into 'Iraq of liquid tear gas pistols whether in the form of a stylograph pencil or in any other condition.

Law No. 57 authorizes ratification of the international convention for the Supervision of the International Trade in Arms and Ammunition and Implements of War of June 17, 1925, and the issue of regulations to make the control of the arms traffic effective.

Army.—Law No. 41 authorizes district commanders to punish officers under their command if below the rank of Aqid (major) with a fine not exceeding seven days' pay.

Law No. 60 permits the Minister of Defence to grant temporary military rank confirmed by Royal Irada under special conditions.

Bridge Tolls.—Regulation No. 13 prescribes the rates of tolls of bridges and ferries constructed by Government. All bridges and ferries are classified into three categories and tolls are imposed according to the category of the bridge and to the kind of vehicle or animal using it.

Transport used for government and municipal work or belonging to the British Forces in ‘Iraq or to the representatives and consuls of foreign powers is exempted from payment of these tolls.

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[1] This met the chief grievance of the Assyrians who, having been issued with British rifles upon completion of service with the 'Iraq Levies, found that they could not receive licences under the Arms Proclamation, a war measure which was directed against the use by the civilian population of British service-pattern firearms. The normal licence fee of Fils 375 per annum was also found to bear heavily on the poorer tribesmen.

Budget Law.—Law No. 27 follows the usual form. Treasury borrowings are authorized up to a sum not exceeding 225,000 dinars. All salaries, pensions and allowances are reduced by 5 per cent., but foreign officials serving under contracts and the police are exempted from this deduction.

Charities.—Regulation No. 8 places the control of the Islamic Orphanage in the hands of the Director-General of Awqaf. The Islamic Philanthropic Society who founded the Orphanage are given an advisory position.

The Awqaf Department is responsible for providing funds for the maintenance of the orphanage.

The Director-General of Awqaf is enpowered to make loans to orphans on leaving the orphanage to enable them to start in a trade for which they have been trained.

Coat of Arms of the ‘Iraq State.—Law No. 4 amends the details of the ‘Iraq Coat of Arms as described in the Law of 1931.

Any person insulting the Coat of Arms is liable to imprisonment not exceeding six months or with fine.

Currency.—Law No. 43 provides for the minting of two silver coins—the “Riyal,” value 200 fils (four shillings), and the “100 fils” silver coin. The “Riyal” is to contain 18 grammes of pure silver and 2 of alloy and the “100 fils” piece 9 grammes of pure silver and 1 gramme of alloy.

Regulation No. 12 prescribes the remedies of the coins of the ‘Iraq Currency, and the weight and composition of non-silver coins.

Customs.—Law No. 14 exempts from customs duty all articles imported into ‘Iraq for the personal use of the King.

Law No. 19 increases customs import duty on practically every class of goods by 20 per cent. Certain agricultural necessities such as insecticides, metal discs and reaper sharpeners are exempted entirely from import duty. The export from ‘Iraq of lissa (the skins of lambs and kids not naturally born) is prohibited. This prohibition does not apply to lissa in transit through ‘Iraq (Law Nos. 19 and 20).

Date Research.—Law No. 42 authorizes constitution of a Date Research Board, with the status of a juristic person undertaking a matter of public utility. The Board is to be composed of date growers and exporters under a chairman appointed by the Minister of Finance. The functions of the Board are to create and administer a date research station and advise the Government on all improvements possible in the cultivation, trade and industry of dates.

The Board’s expenses are to be met by a levy not exceeding 1 per cent. of the value of dates exported from Basrah and an equal contribution from Government, which will also advance a sum not exceeding 18,000 dinars, half of which will have to be repaid by the Board within five years. The Board may be allowed to occupy government land free of charge for the purpose of conducting its researches.

Debts due to Government.—Law No. 34 amends the law for the collection of debts due to Government by granting to district governors (qaimaqams) and the head of the Baghdad Municipality power to levy distress on persons indebted to Government without recourse to the courts. The debtor, however, cannot be imprisoned except upon an order by the President of the Execution Department of the Civil Courts, who is always a judge.

Drugs.—Regulation No. 5 prohibits the entry into 'Iraq of hemp seed or hemp plants (*Cannabis sativa*).

Education.—Regulation No. 22 lays down the conditions under which government officials can be employed as lecturers in high schools in addition to their normal duties.

Extradition.—No. 18 authorizes the ratification of the 'Iraq Turkish extradition treaty.

Law No. 53 authorizes the King to ratify the Treaty of Extradition between 'Iraq and Great Britain.

Foreign Judgments.—Regulation No. 30 applies the provisions of the law for the execution of foreign judgments to the judgments of the courts of Canada, Jamaica, Hong Kong, Malta, Nyasaland and Cyprus in cases where the laws of those countries make provision for the execution of judgments of the 'Iraq courts.

Fruit Trees and Vines.—Regulation No. 10 prohibits the importation into 'Iraq of citrus fruits and their cuttings and of grapes, grape leaves and vine cuttings, unless accompanied by a certificate from a competent authority in the country of origin that they are free from disease. The prohibition does not apply to fruits in a preserved crystallized or dried form nor to the juices thereof.

Harmful Propaganda.—Law No. 69 empowers the Council of Ministers upon a report by the Minister of Interior to require to reside in a specified place in 'Iraq for a period not exceeding one year any person who is held by the Council to have conducted harmful propaganda, *i.e.* to have published matters exciting a feeling of disloyalty to the King or fomenting religious or racial differences or exciting feelings of aversion or hostility between the various classes and races of 'Iraq or containing or citing fabricated reports or misinterpreting true reports with the intention of disturbing public security or good foreign relations.

Health.—No. 8 permits local administrative authorities to exercise the large powers possessed by municipalities under the Insanitary Areas Law of 1924.

Law No. 49 makes all offences specified in Arts. 152 to 159 of the International Sanitary Convention signed at Paris, June 21, 1926, punishable with the penalties specified in the said Articles. For this purpose a gold franc shall be considered as 40 fils (9½ pence).

Regulation No. 45 provides for the establishment of a school for training medical assistants and dressers, subordinate health officers and dispensers in pharmacies. The curriculum is laid down in detail, as are rules for the administration of the school and for the admission and examination of students. All students are required to enter into a contract to serve the Government as health officials for a period of three years from the date of qualification.

Convention of Settlement.—No. 17 authorizes ratification of the Convention of Settlement between 'Iraq and Turkey signed at Ankara, September 1, 1932.

Renunciation of War.—Law No. 6 authorizes the accession of 'Iraq to the Treaty for the Renunciation of War signed at Paris on August 27, 1928.

Interpretation of Laws.—The Special Bench for the interpretation of ambiguities in the text of the laws was convened four times during the year.

1. It held that an exemption from taxation of premises used for an industry applied to premises leased by the industrialist as well as to premises owned by him.

2. In the case of tobacco merchants it was decided that an intermediary in the sale or purchase of tobacco must be licensed as if he were a seller.

3. A clerk in the office of a Vice-Consul who acted as Vice-Consul during the absence of the Vice-Consul was held not to be subject to the State Official's Disciplinary Law, as consular duties are excluded from the provisions of that law.

Jews.—Regulation No. 48 lays down the districts of the Jewish Community in 'Iraq and creates a new district of Diyala with a President, a General Council and a Lay Council.

Judges' Dress.—Regulation No. 1 changes the dress of qadhis and judges, which is laid down as (1) a black robe—similar to an English barrister's gown with narrow gold chevrons on the lapels varying in number with the grade of the judge; (2) white neck bands; (3) a black sidara (forage cap) with lines of gold thread and a crown in gold thread on the front.

Justice.—Law No. 39 amends the Judges and Qadhis' Law. Art. 3 provides for the transfer of judges and qadhis to act as presidents or members of special courts or commissions or to perform the duties of Registrar of the Court of Cassation, Public Prosecutor, Judicial Inspector or Draftsman or Legal Adviser to the Government or to superintend the Execution Departments. Judges and qadhis so transferred are to retain their place in the cadre and their right to promotion. Art. 4 provides that members of the Court of Cassation are to hold office for five years, after which they are to be transferred to one of the senior appointments such as President of a Judicial District or Public Prosecutor, Chief Judicial Inspector, etc.

Presidents and members of the Sharia Benches of Revision are not to hold office for a specific period and may be transferred by Royal decree at any time. Art. 5 provides for annual confidential reports on judges by the committee appointed for the selection and promotion of judges. Judges may be passed over for promotion as a result of these reports and junior judges may be dismissed if not recommended for promotion in two successive annual reports. The law does not apply to foreign judges.

Land Settlement.—Law No. 50 sets up machinery for carrying out land settlement in areas specified from time to time by the Minister of Finance. Settlement is to include the following matters: (*a*) definition of the category of lands and their ownership; (*b*) confirmation of rights appurtenant to land such as 'aqr easements, water rights and special interests such as usufruct, occupancy, plantations and the determination of all such rights and interests; (*c*) delimitation of boundaries and definition of areas of land and localization of special rights.

The classification of land and rights follows the provisions of the Land Code, but some important changes are introduced. (1) Occupational rights (lazma) in unalienated government land are to be recognized and registered; (2) " Mewat " land is to be included in the category of Miri Sirf (unalienated government land) and the provisions of the Ottoman Land Code relating to it shall cease to apply in areas under settlement.

If the settlement officer is satisfied that the State has exercised a right of possession over land for a period of thirty-six years, then the land is to be treated as government land notwithstanding the production of a document showing the land to be Waqf Sahih unless the owner of the said document can prove a reasonable excuse for neglecting to exercise his right of possession. Similarly possession of a document proving land to be Mulk or Waqf Ghair Sahih is to be disregarded if the owner has neglected to exercise his right for fifteen years, and if the State has exercised a right of possession. Failure to exercise his right of possession over Miri land granted in Tapu without reasonable excuse for a period of fifteen years entails the registration of the land as Miri (government land). A special settlement officer will be appointed to each area, and he is to have an adequate staff of surveyors and land registration officials. The settlement officer will have the full powers of a Court of First Instance in regard to proceedings before him. Appeal from his decisions lies to a special court created by the law with power to expedite process. No ordinary court can hear land cases while settlement is in progress within its jurisdiction. The settlement officer on completion of the settlement shall issue his decision with regard to each plot of land as to its category, the owner of the title and the rights appurtenant to it.

Registration of rights and ownership will follow the decision of the settlement officer as to the person entitled to have property registered in his name.

The fees prescribed for this registration are very low, varying from 4 fils to 25 fils per donum (*i.e.* from one penny to sixpence per five-eighths of an acre). If the registration is due to inheritance, only half the above fees are payable. If the land is of a value of less than £1 10*s*. per donum the Minister of Finance can still further reduce the fees. The fees for actions before the special court shall be ten times the above rates subject to a maximum of £200. All judgments of the special court are subject to cassation on points of law only. The machinery for carrying out the settlement and the notices, etc., to be served on interested parties are carefully detailed.

'Aqr Rights.—'Aqr is a perpetual charge on the annual produce of the land (usually 4 per cent. of the gross out-turn.) The 'aqr owner has no right to interfere in the cultivation of the land.

Law No. 55 entitles the owner of land to acquire the 'aqr rights therein on payment of cash compensation of fifteen times the average yearly amount of the 'aqr share collected during the three years prior to the acquisition. On sale or grant of land at a nominal price by Government the Government must acquire the 'aqr rights in the land before the sale or grant is registered.

If the 'aqr rights in any land become the property of the owner of that land the right of 'aqr shall immediately expire and shall never again revive. This law is only to be enforced in areas where land settlement is undertaken.

Occupancy Rights.—Law No. 51 defines the rights of " lazma." This is a right of occupation and cultivation of government land hitherto unrecognized by law, except in the case of plantations. The right is to be registered in the Tapu Department following a settlement, and it can under certain conditions be transferred or mortgaged. The lazma owner of land planted with not less than forty trees per donum can after ten years have the property registered as Tapu land without payment of the value of the land. Provision is made for fixing an economic limit below which no lazma right can be registered. Following the death of a lazma holder the holding will have to be divided, so that no holding is less than the economic limit. If the heirs do not agree the lazma right will be sold to the highest bidder among the heirs, and if the heirs do not bid, then to an outsider.

Lazma right must be exercised or it will lapse. If land subject to lazma is expropriated by Government, compensation will be made to the lazma holder either by the grant of a right of lazma over other land or by a money payment.

Land Revenue.—Regulation No. 35 sets up machinery for fixing conversion rates for grain and for appeals against rates so fixed.

Law College.—Regulation No. 41 amends the Law College Regulations of 1928. Permanent instructors are abolished; all lecturers are to be paid fees for lectures given. Nominations to vacancies among lecturers are to be made by the lecturers themselves by secret ballot. The Minister of Education if he disagrees with the nomination can call for its reconsideration by the lecturers, and if they persist the matter is to be referred to the Council of Ministers. Diplomacy, political history, history of laws, comparative civil law replace sociology in the curriculum. A knowledge of one European language is made a condition of admission to the school. To qualify in any examination an average of 60 per cent. must be obtained in all papers; less than 50 per cent. in two papers will disqualify.

Medical College.—Regulation No. 15 provides for the establishment and administration of the Medical College of Baghdad. It authorizes the grant of the degree of doctor of medicine and lays down the conditions of admission, fees, curricula, examinations and discipline. Special provision exists for the payment of nominal fees by students who sign an undertaking to serve in government posts for the first four years after qualifying.

Town Planning.—Laws No. 53 and 54 order that all government land required for building purposes in the new quarter of Baghdad must be sold by auction and not allotted.

Law No. 52 forbids the courts from hearing during a period of twelve months any claim against the Baghdad Municipality or 'Iraq Government for compensation for property demolished by the Turkish Military Commander when he drove a wide road through Baghdad in 1916.

Nationality.—Law No. 66 amends the Law of 1924 and provides that a person born in 'Iraq before August 6, 1924, who at the time of attaining his majority was a national of Turkey or of a state detached from Turkey under the Treaty of Lausanne shall not be deemed to be an 'Iraq subject.

Ottoman subjects employed by the 'Iraq Government on or before August 6, 1924, are entitled to be deemed 'Iraq subjects, although they had not resided in 'Iraq from August 23, 1921, to August 6, 1924.

Offensive Trades.—Regulation No. 42 specifies trades which are to be treated as "offensive." Such trades are only to be carried on in premises approved by the local health authority and licensed as such. The licence must be renewed annually. The licensee must comply with a number of structural and sanitary requirements laid down in Art. 10 of the Regulation. The premises must always be open to inspection by the health authorities. The owner is made responsible for the omissions, defaults or acts of his servants and agents.

Public Service.—Law No. 63 amends the Civil Service Law of 1931. The maximum salary that can be drawn by any official, including ministers and diplomatic representatives, is £90 per month. Officials are divided into fifteen grades from £5 to £75 per month. Promotion from one grade to another can only be secured after three years' service in the junior grade. Leave is declared to be a right due to officials and they are allowed 30 days per year. Leave is cumulative up to a maximum of 120 days on full pay with an additional 60 days on half-pay. Sick leave is limited to 3 months on full pay followed by 3 months on half-pay. Provision is made for acting allowances and special allowances. Regulations Nos. 39 and 43 provide the rates of local allowances to be paid to officials serving in unhealthy or remote stations. Regulation No. 27 lays down the rates of compensation to be paid to permanently injured officials and the manner in which the disability is to be assessed, and a schedule of disabilities.

Orders.—Law No. 44 institutes a new order, " the Hashimy," of one class which is only to be bestowed upon the heads of States or the princes and princesses of their families.

Passport.—Law No. 65 is a short law which supersedes previous legislation. " Passport," " travel permit " and " passport offices " are defined. Provision is made for the appointment of a Chief Passport Officer and other necessary officials. No person shall leave 'Iraq without being in possession of a passport or travel permit valid in all respects for entry into the country adjacent to 'Iraq or to the country of his destination. The normal exceptions are made and in addition members of H.B.M.'s forces, crews of ships and aircraft and nomad tribesmen are exempted. Power is given (1) to search and detain for the purposes of passport examination, (2) to prohibit a person from leaving the country in the interests of justice, (3) to prescribe the routes by which persons may leave 'Iraq, (4) to provide special facilities for pilgrims. Contraventions of the law are punishable with imprisonment not exceeding six months or with fine not exceeding £100.

Postal Law.—Law No. 40 effects slight reductions in the rates of postage following the introduction of a new coinage.

Press.—Law No. 56 amends the Press Law of 1931, tightening up the provisions relating to the qualifications of responsible editors, correspondents, writers, illustrators, photographers, subscription touts, etc. Larger powers of suspension and control are given to the Ministry. Publication of complaints and proceedings of the courts in connexion with cases of libel and abuse and of technical secrets revealed during court proceedings is prohibited. Heavy penalties are prescribed for publishing false news or a distortion of news which may cause a breach of public order, or mislead public opinion or stir up hatred against the Government or weaken the administration of any law. Similarly it is forbidden to publish insulting remarks or pictures of any cabinet minister, senator, deputy, army officer or civil official. Penalties are prescribed for using the press as a blackmailing instrument to secure subscriptions or advertisements.

Remissions.—Law No. 10 sets up a Board with power to remit the government share of agricultural and natural produce in certain cases of calamity such as floods, pests, fire, blight or locusts. The Board can remit up to Rs. 500 and Governors of Provinces can remit up to Rs. 100 in any individual case. Power is given to the Council of Ministers to remit up to Rs. 3,000 in any individual case. Similar remissions can be made in respect of other government taxes, and in the case of income-tax due from a bankrupt or deceased person power is given to write off. Law No. 58 empowers the Prime Minister to write off arrears of Awqaf revenues which were due prior to April 1, 1928, and to allow payment by instalments of the arrears of Awqaf due for 1928 and 1929.

Law No. 36 authorizes the writing off of specific debts due to Government in respect of taxes and rents which are irrecoverable and which total Rs. 71,866.

Smuggling.—Law No. 48 amends the Customs Code by authorizing certain customs officials charged with the duty of preventing smuggling to stop and if necessary search any vessel, vehicle or other means of conveyance. The official in question must be in uniform or wear a special badge. Such officials may fire first with blank and then with ball cartridges at any person or means of conveyance which fails to comply with his orders. "The official or any person firing at his order shall not be criminally or civilly liable in respect of damage to person or property caused in the *bona fide* execution of the provisions of this law." He must, however, act with due care.

Strikes.—Law No. 70 makes it an offence, punishable with imprisonment not exceeding three months or fine (*a*) to prevent or restrain or to attempt to prevent or restrain any person from carrying on business or any person dealing with him, or (*b*) to be in possession of written or printed matter during a strike which is intended to prevent any person from carrying on business, or (*c*) to disseminate in a time of strike false reports, or (*d*) to instigate or take part in a strike for reasons having no concern with his craft or trade or profession. If a strike takes place under conditions that threaten public disturbance the Council of Ministers may declare a state of emergency during the continuance of which the posts can be examined and dangerous persons, upon a decision of the Council of Ministers, may be required to live in a specified area or be prevented from residing in a specified place or places in 'Iraq.

Taxation.—With the introduction of the new currency and the consequent amendment of the animal tax (Koda) law opportunity was taken by Law No. 25 to effect slight reductions in the rate of tax on all animals except buffaloes.

Entertainment Tax.—Law No. 28 increases the entertainment tax to 12 per cent. of the price of admission. The penalty for evasion is increased to a fine of 40 dinars.

Salt.—Law No. 29 authorizes drawback of the excise duty imposed on salt produced in 'Iraq when such salt is exported in the form in which it is produced or when it is used in the preservation or curing of fish exported from 'Iraq.

Treaties.—No. 16 authorizes ratification of the Commercial Treaty between 'Iraq and Turkey, 1932.

Waqf.—Law No. 13 imposes a fee of 1 per cent. of the actual value of immoveable property dedicated to Pious Uses (Waqf) before 1921 and managed by the Awqaf Departments upon the registration of such property in the Land Registration Department (Tapu).

Weights and Measures.—Regulations Nos. 6, 32 and 36 permit the use by certain government departments of certain weights and measures other than those of the decimal system.

UNITED STATES OF AMERICA.

FEDERAL LEGISLATION.[1]

Economic Reconstruction.—Several important measures were enacted designed to aid in the struggle for economic recovery by making Federal funds available to financial institutions and public and private business enterprises, and to relieve, either directly or indirectly, the widespread distress and unemployment. Public No. 2, approved by the President January 22, created the Reconstruction Finance Corporation with capital stock of $500,000,000 to be subscribed for by the United States, and with a board of directors consisting of the Secretary of the Treasury, the governor of the Federal Reserve Board, the Farm Loan Commissioner and four other persons appointed by the President, by and with the advice and consent of the Senate. The corporation was to have succession for a period of ten years and was empowered to issue its obligations in an aggregate amount of $1,500,000,000. Such obligations were to have a maturity of not more than five years, were to be exempt from all taxation, except surtaxes, estate, inheritance and gift taxes, and were to be "fully and unconditionally guaranteed both as to interest and principal by the United States."

The corporation was empowered to use the proceeds derived from the sale of its obligations for the following purposes :

(1) For making loans to aid in financing agriculture, commerce and industry, including facilitating the exportation of agricultural and other products, to "any bank, savings bank, trust company, building and loan association, insurance company, mortgage loan company, credit union, Federal land bank, joint-stock land bank, Federal intermediate credit bank, agricultural credit corporation, live-stock credit corporation, organized under the laws of any State or of the United States."

(2) For making loans, upon the approval of the Interstate Commerce Commission, to aid in the temporary financing of railroads and railways engaged in interstate commerce and in process of construction, and to their receivers, "when in the opinion of the board of directors of the corporation such railroads and railways are unable to obtain funds upon reasonable terms through banking channels or from the general public and the corporation will be adequately secured."

(3) For accepting drafts and bills of exchange drawn upon the corporation having maturities of not more than twelve months at the time of acceptance and growing out of transactions involving the exportation of agricultural or other products actually sold or transported for sale subsequent to the enactment of the Act and in process of shipment to buyers in foreign countries.

The general limitations upon the lending powers of the corporation were as follows :

(1) Loans could be made at any time prior to January 22, 1933, subject to the right of the President to extend the time for not more than one year.

(2) Loans were to be made for not exceeding three years, subject to the right of the corporation to extend the time for payment to five years.

(3) All loans were to be fully and adequately secured.

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[1] Abridged from a summary by Henry G. Wood, John O'Brien, Charles F. Boots, Allan H. Perley and Eugene J. Ackerson in the *American Bar Association Journal*, vol. xix, Nos. 1 and 2.

(4) The aggregate amount of loans to any one corporation and its subsidiary or affiliated organizations was not to exceed 5 per cent. of the authorized capital stock and bonds of the Reconstruction Finance Corporation which under this Act could not be more than $100,000,000.

(5) No loans were to be made upon foreign securities or foreign acceptances as collateral or for the purpose of assisting in the carrying or liquidation of such securities or acceptances.

(6) No loans were to be made for new enterprises undertaken after the enactment of the Act except to agricultural or live-stock credit corporations, Federal land banks, joint-stock land banks, or Federal intermediate credit banks, and in the case of transactions involving the exportation of agricultural or other products.

(7) Not more than $200,000,000 was to be used by the corporation for the relief of banks that were closed or in the process of liquidation.

In order to afford a certain measure of direct relief to agricultural producers, the corporation was directed to allocate and make available to the Secretary of Agriculture $50,000,000 of the amount subscribed by the United States to the capital stock of the corporation " and the expansion of the same through the note, debentures, bonds, or other obligations " of the corporation. This amount (which might aggregate $200,000,000) was to be used by the Secretary of Agriculture for the purpose of making loans or advances to farmers for crop production during the year 1932, and the Secretary was directed to give preference to farmers who suffered from crop failures in 1931.

The appropriation for the entire amount of the authorized capital stock of the corporation was made by Public Resolution No. 7.

Public No. 2 was amended and supplemented by Public No. 302 which enlarged the powers of the Reconstruction Finance Corporation, extended its authority to the District of Columbia, Alaska, Hawaii and Puerto Rico, and increased its lending power by $1,800,000,000.

Public No. 3 seeks to relieve the pressure upon deserving borrowers from the Federal land-bank system and to provide the Federal land banks with adequate funds with which to meet their obligations on their bonds and to make additional loans. The Act authorizes an appropriation of $125,000,000 to be used by the Secretary of the Treasury for the purchase of additional stock in such banks. This amount was subsequently appropriated by Public Resolution No. 9. The reserve requirements of the banks and the national farm loan associations are substantially increased, effective July 1, 1932, and the banks are authorized to extend the whole or part of any obligation that might become unpaid under the terms of any mortgage, and to accept payment thereof during a period of five years or less in such amounts as may be agreed upon between the borrower and the bank.

Public No. 44 (the Glass-Steagall Act) attempts to aid in the business recovery by improving the credit facilities of the Federal reserve system. It is provided that upon receiving the consent of not less than five members of the Federal Reserve Board, any Federal reserve bank may make advances to groups of five or more member banks in its district upon their time or demand promissory notes, if a majority of such banks are independently owned and controlled, and if the banks cannot obtain sufficient credit accommodations from the Federal reserve bank through rediscounts or advances permitted under existing law. The proceeds of the advances are to be distributed among the banks in the group in such amounts as they may agree upon, but each recipient bank is required to deposit with a suitable trustee its individual note in favour of the group protected by collateral security. The individual liability of each member of the group is to be determined on the basis of its deposit liability as compared with the aggregate deposit liability of all banks in the group. Foreign obligations are not to be eligible as collateral security for such advances and no note upon which any such advance is made is to be eligible as collateral security for Federal reserve notes. The interest or discount rate on such advances is to be not less than 1 per cent. above the discount rate of the Federal reserve bank at the time the advance is made.

In order to afford a means of relief to the smaller banks, it is also provided that until March 3, 1933, and in exceptional and exigent circumstances, any member bank with a capital not exceeding $5,000,000 may obtain an advance from its Federal reserve bank upon its time or demand promissory notes secured to the satisfaction of the Federal reserve bank, if the advance is approved by not less than five members of the Federal Reserve Board and the member bank is unable to secure adequate accommodations through rediscounts. The Federal Reserve Board is authorized by regulation to define and limit the classes of assets which may be accepted as security for such advances and substantially the same general limitations apply as are applicable in the case of advances to groups of banks.

A Federal home mortgage discount banking system is created by Public No. 304. The system is under the supervision of five full-time members of a board appointed by the President, by and with the advice and consent of the Senate. Building and loan associations and similar institutions, insurance companies and savings banks are furnished a source of credit in that they are enabled to borrow of the regional banks created under the law on the security of first mortgages held by the borrowing organizations on small homes.

The Federal board is to divide the United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands into not less than eight nor more than twelve districts, each containing a regional bank located in a city in the district selected by the board (s. 3).

Working funds for the banks are to be secured from the proceeds of stock subscriptions made by participating institutions and by the United States, and by the issuance of securities by the banks. The Board is given authority to fix the minimum capital (not less than $5,000,000) of each of the banks and the amount of the minimum capital so fixed not subscribed for by eligible institutions within thirty days after books are open for subscription is to be subscribed for by the Secretary of the Treasury (s. 6 (*a*) and (*f*)). Not more than $125,000,000 of the funds of the Reconstruction Finance Corporation is made available to the Secretary for this purpose (s. 6 (*f*)).

The banks have the power, subject to the approval of the board, to borrow money and to give security therefor (s. 11). Bonds and debentures issued by the banks are required to be secured by first mortgages transferred by the banks upon which the total amount unpaid by the home-owner mortgagors is equal to 190 per cent. of the amount of the securities issued. Short-term borrowing is also permitted.

The dual motive of providing a sound discount banking system and of encouraging more business-like and economical home financing is apparent throughout the legislation. Only institutions which are subject to State laws providing for inspection and regulation or which subject themselves to inspection and regulation by the board if there are no such State laws, which make long-term loans, and which are of such financial character as to warrant the making of advances to them, are eligible to subscribe for stock and secure advances (s. 4). In addition, institutions making extortionate charges for home financing are excluded (s. 5). The operation of the regional banks may be withheld or limited in States in which the laws are inadequate to protect the banks in their lending (s. 8).

To permit institutions in States in which State law does not permit stock subscription in home loan banks to participate in the system, provision is made whereby, for periods required for the necessary legislation to be enacted, such institutions may secure the privilege of membership in the system by depositing security equal to the amount which would be required for stock subscription (s. 6 (*e*)).

S. 29 of the Act provides that for a period of three years after the enactment of the Act, bonds of the United States bearing interest at a rate not exceeding 3⅜ per cent. per annum shall be receivable by the Treasurer of the United States as security for national bank notes in the same manner and to the same extent as other bonds of the United States except that the limitations of s. 9 of the Act of July 12, 1882, as amended, that not more than $9,000,000 per month may be deposited with the Treasurer of the United States for the purpose of withdrawing bonds held as security for circulating notes, does not apply in respect of the bonds granted the circulation privilege under the section.

The movement for reduction of expenditures in the operation of the Federal Government found expression during the last session of Congress not only in smaller appropriations carried in the regular appropriation Acts but also in a far-reaching programme called the "Economy Act." This legislation is contained in Part II of the Legislative Appropriation Act for the fiscal year 1933 (Public No. 212).

During the fiscal year 1933, the compensation of all Federal officers and employees whose annual compensation is in excess of $1,000 and less than $10,000 is reduced by 8⅓ per cent. by the so-called "furlough" and "pay-cut." Per diem employees are to work not more than five days in one week and employees whose compensation is on an annual basis are to be furloughed without pay for the equivalent of one calendar month in the year. Those who are exempted from the provisions of the furlough (mainly persons in the legislative branch of the Government, judges, and those whose positions must be continuously filled and for whom substitutes cannot be provided) are subjected to a pay cut of 8⅓ per cent. if the compensation is in excess of $1,000 but less than $10,000 per annum. Greater reductions are provided in the case of those receiving higher salaries. Retired pay of commissioned personnel of the military and naval forces and of judges is correspondingly reduced. A general exception exempts officers whose compensation may not under the Constitution be diminished, but provision is made by which an amount equal to the reduction which would be applicable may be turned back to the Treasury by the officer. Corporations the majority of the stock of which is owned by the United States are to apply the furlough and pay-cut to their employees. (Title I.)

Automatic increases in compensation are prohibited and administrative promotions are suspended during the fiscal year 1933, and vacancies may not be filled in the executive departments except in essential positions, and then only with the approval of the President (ss. 201, 202 and 203). Travel and subsistence allowances and overtime compensation are reduced (ss. 206–211).

Appropriations for construction of public buildings are reduced by 10 per cent. ; leases of buildings must be made for a money consideration only, rent paid by the Government is not to exceed 15 per cent. of the value of the building, and not more than 25 per cent. of the amount of the first year's rent may be spent for alteration or repair of rented premises (ss. 320–22).

A general provision subjects the expenditure of money, whether under Acts passed before or after the Economy Act, to its provisions (s. 803).

The President is given general authority to effect, by Executive order, reorganizations in the Executive branch in order to group its executive and administrative agencies according to major purpose ; to reduce the number of such agencies by consolidating those having similar functions ; to eliminate overlapping and duplication of effort ; and to segregate regulatory agencies and functions from those of an administrative and executive character. This authority of the President is, however, subject to limitations. Any such Executive order must be transmitted to Congress and is not to become effective until sixty days after transmission unless approved before that time by concurrent resolution of Congress ; and any such Executive order disapproved in whole or in part by either branch of Congress within the sixty-day period is to be null and void to the extent of such disapproval. In order to expedite the reorganization programme, the President is authorized and requested to proceed, without regard to the provisions above referred to, with " setting up consolidation " of certain specified governmental activities. (Title IV.)

The Act itself provides for certain particular consolidations and reorganizations (ss. 306, 501–14).

Public No. 303 reduces the interest rate on loans to veterans upon the security of adjusted service certificates from $4\frac{1}{2}$ per cent. to $3\frac{1}{2}$ per cent. per annum, compounded annually.

Veterans who joined the march to the capital to urge the payment in full of adjusted service certificates were provided with funds to return home by Public Resolution No. 35, as amended by Public Resolution No. 39. All amounts expended for such purpose for any veteran constitute a loan without interest, which, if not repaid, will be deducted from any amount payable upon the adjusted service certificate.

Public Resolution No. 5, providing for the so-called " moratorium " on intergovernmental obligations, is the principal contribution of the first session of the Seventy-second Congress to statutory law affecting our international relations. The resolution provides for the postponement of amounts payable to the United States from foreign Governments during the fiscal year 1932, and the payment of the postponed amounts over a ten-year period beginning July 1, 1933. An important declaration is found in s. 5, which reads as follows :

> S. 5. It is hereby expressly declared to be against the policy of Congress that any of the indebtedness of foreign countries to the United States should be in any manner cancelled or reduced ; and nothing in this joint resolution shall be construed as indicating a contrary policy, or as implying that favourable consideration will be given at any time to a change in the policy hereby declared.

Naturalization.—Public No. 149 contains several amendments to the naturalization laws, and at least one important immigration provision. The privilege of the short method of naturalization afforded during the World War to persons in the military service and extended to veterans from time to time is extended for another two years, except that as additional requirements (1) the applicant must have resided continuously within the United States for at least two years preceding the date of petition, in pursuance of a legal admission for permanent residence, and must furnish proof of good moral character during that period, (2) a certificate of arrival is required if such admission was subsequent to March 3, 1924, and (3) final action on the petition is withheld until ninety days after filing (s. 1 (*a*)). It is also provided, apparently as a precautionary measure, that any petitions for citizenship which were filed by aliens while with the American Expeditionary Forces, which have not been acted on, shall be invalid for all purposes (s. 1 (*b*)). Enlistment in the National Guard or naval militia of any State, Territory, or the District of Columbia, or the State militia in Federal service, no longer gives special exemption from the general provisions of the naturalization laws (s. 2). Another provision permits aliens who have been lawfully admitted to the United States for permanent residence to count service on American-owned vessels (even though not of American registry) as residence for the purposes of the naturalization laws (s. 3).[1] A new certificate of citizenship may now be issued to a naturalized citizen whose name has, subsequent to naturalization, been changed by order of a court or by marriage (s. 4 (*a*)). Under the new law certificates of arrival will no longer be required (1) in the case of citizens who are applicants for certificates of citizenship based on their having derived citizenship through other petitioners or by marriage (s. 5), or (2) in any naturalization proceeding, in the case of applicants who entered the United States on or before June 29, 1906, the date of our present general naturalization law (s. 6). Under the Act of March 4, 1929, an alien once deported was for ever barred and excluded from returning, and entry thereafter was made a felony. The new law permits relaxation of this rule if the Secretary of Labour grants permission for the alien to reapply for admission to the United States; but no return is possible after one year after deportation nor may an alien not otherwise admissible take advantage of the provision (s. 7).

Several new provisions designed to relieve the inhabitants of our Territories and insular possessions from the rigid application of the immigration and naturalization laws were enacted. Public No. 198 grants non-quota status to natives of the Virgin Islands now residing in foreign countries, and relieves such aliens from a number of the general requirements of the immigration laws. The Act also confers citizenship upon natives of the Virgin Islands who on the date of its enactment reside in the continental United States, the Canal Zone, or any insular possession or Territory of the United States, who are not citizens or subjects of any foreign country, regardless of their place of residence on January 17, 1917. Public No. 248 extends the benefit of the women's special naturalization provisions to certain women born in Hawaii prior to June 14, 1900, the date upon which the United States formally acquired jurisdiction over Hawaii.

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[1] In *McDonald* v. *United States*, (1929) 279, s. 12, it had been held that an alien lawfully admitted to the United States, who had established, and, since his admission, had maintained, a residence in the United States, but who served continuously as master of a vessel of British registry belonging to a New Jersey corporation, could not count any part of such period as residence for naturalization purposes.

Immigration.—Public No. 61 makes instrumental musicians definitely subject to the contract labour law except for individuals of distinguished merit and ability as instrumental musicians or as members of a musical organization of distinguished merit, and unless the professional engagements within the United States of the individual or organization, as the case may be, are of a character requiring superior talent.

Public No. 234 amends s. 15 of the Immigration Act of 1924 (1) by including the attendants, servants and employees of government officials within the classes of non-immigrants who are admitted upon the condition that at the expiration of the time for which they are admitted or upon failure to maintain the status under which admitted they will depart from the United States, and (2) by permitting the requirement of bond in the case of non-quota students.

Public No. 266 amends the provision of the Immigration Act of 1924 granting non-immigrant status to so-called "treaty aliens" in three particulars: first, it is definitely stated that the entry must be solely to carry on trade "between the United States and the foreign state of which he is a national," and not for the purpose of engaging in purely local trade; second, the words "present existing," as applying to the treaty under which the privilege must be claimed, are omitted, thus extending the privilege to aliens coming within the provisions of treaties of commerce and navigation concluded subsequent to the passage of the Immigration Act of 1924; and third, there is added to the aliens specifically entitled to admission under this classification the wife of the alien merchant and his unmarried children under 21 years of age, if accompanying or following to join him. Since the provision referred to has been interpreted to permit the entry of the wives and minor children of treaty aliens,[1] the specific inclusion of the wives and minor children was apparently designed to exclude wives by proxy or picture marriages, and children by adoption, specifically excepted from the definitions of "wife" and "child," respectively, found in s. 28 of the 1924 Act.[2] Thus, what is on its face a broadening of the provision becomes a restriction. by virtue of limitations in the statutory definitions of the classes included.

Public No. 277 gives non-quota status to husbands of American citizens by marriage occurring prior to July 1, 1932. The prior law was limited to husbands of American citizens by marriage which occurred prior to June 1, 1928.

Criminal Law and Procedure.—Public No. 189 makes the transportation in interstate or foreign commerce of any person kidnapped and held for ransom or reward a felony punishable by imprisonment for such term of years as the court, in its discretion, shall determine. A conspiracy to violate the Act is made punishable in like manner. The Judiciary Committee of the Senate in its report on the Bill recommended its passage in order to aid the States in coping with the increasing number of kidnapping offences and with the handicaps in the detection, arrest and conviction of offenders arising from the existence of State boundaries.

Public No. 274, on which hearings had been held before the Lindbergh kidnapping case, was spurred on its way to become law by that crime.

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[1] *Cheung Sum Shee* v. *Nagle*, (1925) 268 U.S. 336.

[2] House Report, No. 341; 72nd Congress, first session.

It provides heavy maximum penalties of fine and imprisonment for any person who knowingly sends through the United States mails any communication containing any threat (1) to injure the person, property or reputation of any person or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse any person of a crime, or containing any demand for ransom or reward for the release of any kidnapped person. It further provides for the punishment of any person who, with intent to extort money from any person, uses the mails of any foreign country for the transmission of any communication of the nature above described, addressed to any person in the United States, and thus secures the delivery thereof through the foreign and United States mails. Existing provisions of the Criminal Code [1] relating to the use of the mails in schemes to defraud had been held not to include schemes to extract money by threats of murder or bodily harm.[2]

Public No. 209 provides for the use of one or two alternate jurors in the trial of indicted offenders in the courts of the United States when the judge of the trial court believes that the trial is likely to be protracted. If, before final submission of the case, a juror dies or becomes so ill as to be unable to perform his duty, the court may substitute one of the alternate jurors. This practice has been adopted by twelve States. The report of the Judiciary Committee of the House indicates that the Act follows almost literally the California statute which was held not repugnant to the section of the State constitution providing that the right of trial by jury should remain inviolate.[3] Trial by jury under the provisions of the United States Constitution means a trial by jury as understood and applied at common law.[4] Since the jury which renders a verdict under the alternate juror system is composed of twelve jurors who have sat all through the trial, no constitutional objection appears tenable.

Public No. 210 clarifies uncertainty and secures uniformity as to date of commencement of sentences of imprisonment, and prevents juggling of sentences to obtain benefits of the parole laws, by fixing the commencement of sentences of imprisonment at the date on which the offender is received at the penal institution for service of the sentence or the date he is received at the place of detention to which he is committed to await transportation to the institution where the sentence is to be served. Prisoners sentenced after the date of the Act, who are released on parole, shall not be allowed any deduction for good conduct from the maximum term of their sentences, and prisoners upon release after service of their sentences with deduction for good conduct shall be treated as if released on parole until the expiration of the maximum sentence imposed.

Public No. 169 authorizes United States district attorneys in charge of the prosecution of an offender charged with the commission of an offence punishable in any court of the United States or the District of Columbia to forgo such prosecution, and to surrender and deliver to State authorities at the expense of the United States any such offender under 21 years of age. Such surrender must be preceded by a finding by the Department of Justice that the offender has committed a criminal offence or is delinquent under the laws of the State, and that the State will take him into custody, and that it will be for the best interests of the United

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[1] U.S.C., title 18, ss. 338 and 339.

[2] *Fasulo* v. *United States*, (1926) 272 U.S. 620.

[3] *People* v. *Peete*, (1921) 54 Cal. App. 333; 202 Pac. 51.

[4] *Patton* v. *United States*, (1930) 281 U.S. 276.

States and the person involved to surrender him to the authorities in the State. The consent of the offender, or a demand by the State authorities upon the United States district attorney similar to that required in the extradition of fugitives from justice,[1] is also required before such person can be conveyed from one State to another. The Act will affect about 2,000 juvenile offenders annually, a large part of whom are violators of the National Motor Vehicle Theft Act.

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[1] U.S.C., title 18, s. 662.

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